

ONTARIO COURT OF JUSTICE

DATE: 2013-12-10
COURT FILE No.: Central East 12-5442
Citation: *R. v. Megraw*, 2013 ONCJ 700

B E T W E E N :

HER MAJESTY THE QUEEN

— AND —

KEVIN MICHAEL MEGRAW

Before Justice G.D. Krelove
Heard on November 22, 2013
Reasons for Ruling on Disclosure Application released on December 10, 2013

Frank Faveri for the Crown
Douglas J. Spiller for the defendant Kevin Michael Megraw
Amal Chaudry.....for the Ministry of Community Safety and Correctional Services
James Girvin.....for P.C. O’Grady, P.C. Shantz, P.C. Walton

KRELOVE J.:

[1] The Defendant, Kevin Michael Megraw, has brought a third party records application requesting the production of police misconduct records in the possession of the O.P.P. relating to Officers Thomas Shantz, Michael O’Grady and Michael Walton.

[2] In my written ruling dated November 29, 2013, I indicated that I was satisfied that the “likely relevant” threshold had been met by the defendant. I ordered that the O.P.P. produce to this court all complaint and misconduct files in its possession relating to the three officers for inspection by the court.

[3] I have received and reviewed the files. My inspection of the files clearly establishes that the claim of “likely relevant” that I found at the initial stage of this third

party records application is not borne out. The files are clearly irrelevant to the issues in this trial (including credibility and the quality of the investigation) and there is no basis for ordering production to the defendant.

[4] This third party records application of the defendant is dismissed.

[5] The court will maintain and seal the files which have been produced until the expiration of any appeal period. At that time, they shall be returned to the O.P.P.

Released: December 10, 2013

Signed: “Justice G.D. Krelove”
Justice G.D. Krelove, O.C.J.