

**Gary McHale**  
**106 Donald Bell Dr.**  
**Binbrook, ON L0R 1C0**  
**Tel/Fax: 905-692-6420**

**Date: Jan 27, 2009**

**Attn: Mitch Hoffman**  
**Cayuga Crown**  
**Ontario Court of Justice**  
**55 Munsee St., Cayuga, Ontario N0A 1E0**  
**Tel: 905-772-5043, Fax: 905-772-3494**

**Re: Additional Disclosure**  
**Court Date: Apr 21, 2009**

**I make the following request for additional disclosure for items I believe should have already been provided.**

**The Crown should be reminded that according to emails to/from Commissioner Fantino on Dec. 1, 2007 that Fantino via Chris Lewis, Deputy Commissioner, gave orders within 30 minutes of the protest starting to have me arrested. Therefore, the order to arrest me came hours before any alleged crime had even been reported to the OPP. Furthermore, as Fantino has already testified that the OPP have NEVER videotaped me nor has any officer witnessed me commit a crime in the past 2.5 years then it is clear that Fantino had no legal reason to order his officers to target me for arrest. By 12:22 pm on Dec. 1, 2007 Chris Lewis had reported to Fantino I had been arrested – my arrest didn't occur until six days later.**

- 1) All text messages (communication of any kind) to/from any OPP officer who was on the scene on Dec. 1, 2007. At least two officers were text messaging at the scene:**
  - a. OPP Greg Moses in his notebook states that his partner Tom Hodgins was text messaging during the event.**
    - i. Also volume 3 pg 220 of disclosure states that "Tom Hodgins advised that he was to message command staff in real time."**
  - b. OPP John Stephens sent a text message to Chris Lewis, Deputy Commissioner, at 10:20 am from the scene which is found on Vol. 10, pg. 3. Also Officer Stephens' notebook should be disclosed.**
  - c. Disclosure from any other officers who were text messaging or communicating from the scene should be provided – It should NOT be left up to me to find proof that these officers were involved that day and then request disclosure.**
- 2) All messages etc. to/from Chris Lewis, Deputy Commissioner, who states in his email to Fantino that he gave orders to remove Fleming and McHale – this email was sent to Fantino at 10:32 am Dec. 1, 2007 – within minutes of the protest starting. See Vol. 10, pg 2.**
  - a. It is clear Chris Lewis is in direct communication with officers at the scene on Dec. 1, 2007 in real time – as such all communication to and from him should be disclosed.**

**The Following are based on the fact that by 5:15 pm on Dec. 1, 2007 the order was already given to arrest me for assault claiming the OPP had RPG to do so – this without any investigation at all into the false report filed by Camille Powless. The OPP's eagerness to arrest me and the eagerness of Native sources to misrepresent the truth is clearly demonstrated.**

- 3) **The Names of the Officers from the OPP Crime Unit who gave the order to have me arrested or were part of this alleged crime investigation as noted by Sgt. Gutenberg in his notes – vol. 3 pg. 201 at 17:15. Their notebooks should be disclosed along with any email/text messages to/from these same officers regarding this event.**
- 4) **Video statements and/or written statements by Camille Powless which prompted the OPP to order my arrest at 5:15 pm on Dec. 1, 2007 claiming they had RPG for assault.**
- 5) **Video statements and/or written statements by Turtle Island Editor Linda Powless claiming she was an eye witness to me committing a crime and is the boss of the 3 witnesses the Crown has listed for the Preliminary Hearing.**
- 6) **Video statements and/or written statements by any other person claiming to be a witness to any crime committed by Gary McHale on Dec. 1, 2007.**
- 7) **Video statements and/or written statements provided to the OPP by Tim Sywyk who made numerous statements about my activities on Dec. 1, 2007 to the OPP.**
- 8) **Audio tapes and any written transcripts of the conversation between Gary McHale and New York Native Private Investigator Jon Sabin which was used by the OPP at the Bail Variation hearing on Dec. 14, 2007.**

**Additional disclosure needed:**

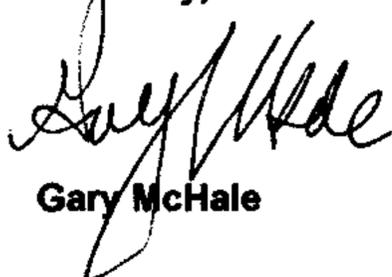
- 9) **Due to the need to be able to use emails/text messages to remind witnesses of the event, I do need all names listed in CC: to be released in both Vol 9 & 10. My ability to trace who and when each officer received what information is seriously limited directly due to blocking out people's names.**
- 10) **Due to Commissioner Fantino's limited testimony where he replied accusing me of causing officers to be injured, causing violence, causing \$500,000 of taxpayers' money to be used in policing while unable to remember any details of any of these things, I request the following:**
  - a. **A reports of all officers injured in Caledonia along with dates and locations of where this occurred.**
  - b. **A report of any violent acts OPP say were caused by me along with dates and locations of where this violence took place.**
  - c. **A detailed financial reports showing how I have cost the OPP \$500,000. It should be noted that Commissioner Fantino showed the Hamilton Spectator a copy of this report back in Nov. 2007.**
  - d. **It should be noted that the Commissioner included these points in his emails to officers in Caledonia along with his instructions to find some way to arrest me. As such, in my view, the Commissioner is trying to use the above points to motivate his officers to arrest me. Therefore, the truthfulness of the Commissioner's statements both in his email and on the stand must be verifiable. Thus the reports are needed.**
  - e. **It should also be noted that both the Crown and the OPP have made similar statements during my Bail Variation back on Dec. 14, 2007 and since then without providing me or the court any proof that such statements are remotely true.**
- 11) **Given Commissioner Fantino's character support of Clyde Powless in the assault upon me and that his email to the court includes many of the same false statements as outlined in point 9, I request any text messages and/or other communication between Mr. Powless and the OPP, including Commissioner Fantino, that occurred on Dec. 1, 2007.**

- a. It should be noted that Mr. Powless directly spoke to several officers during the protest and these officers have reported in their debriefing video that Mr. Powless threatened to shut down Caledonia if the OPP didn't deal with Fleming and McHale. Such threats could show motive why the OPP is so eager to target me.
- b. Mr. Powless' text messages and emails will reveal that the OPP was put in a position to respond directly to Mr. Powless threatening the town if they did not act against me.
- c. Mr. Powless was text messaging someone within the first 10 minutes of the protest – OPP Chris Lewis was informing Fantino that I was the agitator within the first 20 minutes of the protest.

12) I also request a meeting with Mr. Hoffman to review volume 10 of disclosure which is only 3 pages long. This volume contains the emails to/from Fantino and upon reviewing this volume I would like a few emails to be unblocked. This should be a quick meeting.

Thank you for your time on this matter and please contact me if you have any questions.

Sincerely,



Gary McHale

Gary McHale  
106 Donald Bell Drive  
Binbrook, Ontario L0R 1C0  
Tel: 905-692-6420

Date: May 29, 2009

Attn: Mitch Hoffman  
Cayuga Crown  
55 Munsee St., Cayuga, Ontario  
N0A 1E0  
Tel: 905-772-3335, Fax: 905-772-3494

Re: Request for Disclosure Information

The following is further request for disclosure that I believe the Crown should have given months ago and I once again request the following items.

1) All officers names listed on emails as sent to or 'cc'd should be unblocked.

To date officers repeatedly testified that they never knew that senior brass were targeting me for arrest. The blocking of officers' names on emails hides the fact of who knew what when. I believe, based on the testimony from Commissioner Fantino, that it is very important to know exactly which officers knew what piece of information on which days.

By blocking the names on emails the Crown limits my rights to challenge witnesses when they claim they didn't know something. Furthermore, my blocking names on emails the Crown limits who I may subpoena because I am unaware that an officer played a key role in the my arrest.

The best example of names hidden from me is found in Vol 12 disclosure which has the email and notes of officer John Stephens who was directly text messaging senior brass from the scene of the event. However, on Feb. 8, 2008, a full year earlier, the Crown provided me with Volume 3 which claimed to be the list of all officers (and their notebooks) who were at the scene - interesting that officer Stephens is missing from the list.

There has been a repeated habit to hide names of officers, which many times has been proved to directly affect my case. This must stop. All officers names must be unblocked so I can decide who to subpoena and allow me to have direct evidence on who knew what when.

For the purpose of saving the Crown time I would limit this request to emails contained in Vol 7, Vol 8, Vol 10, Vol 12 also any emails contained in Vol 11.

2) The video statement and/or written statement filed by Camille Powless on Dec. 1, 2007.

The Crown has claimed in its response to my Charter Challenge that I was only charged after a complete investigation into the event had been completed and reasonable and probable ground had been established.

Meanwhile the Crown withholds direct evidence that Insp. Renton (a subpoenaed witness) gave orders on Dec. 1, 2007 for my arrest because he had reasonable and probable ground that I assaulted Camille Powless - the only evidence of the so-called crime was Ms. Powless' statement.

Ms. Powless' statement to the OPP demonstrates how quickly Insp. Renton was to lay a charge against me. Furthermore, without Ms. Powless' statement I cannot fully question Insp. Renton on the stand because the Crown is withholding the evidence that motivated the Inspector to order my arrest.

Additionally, Ms. Powless' statement directly affects the current charge I am faced with which I need her statement to allow me to show a jury how various Native witnesses have been willing to falsify evidence to the OPP to have me charged. It is up to the jury to decide how to weigh this evidence and not for the Crown to hide it from the jury.

3) The video statements and any written statements by Linda Powless.

The Crown is well aware that Linda Powless is in direct control of the video evidence that is the only piece of evidence that the Crown has of the current charge. The Crown has repeatedly denied me evidence that shows that Linda Powless has already falsified evidence regarding me to the OPP.

Ms. Linda Powless' statement supports the claims made by Camille Powless that I assaulted her. A claim the OPP and Crown now know is false and a charge of Public Mischief has been laid against Camille Powless. However, Linda Powless also filed false statements regarding me assaulting Camille and has yet to face any charge. It became clear the OPP didn't want to charge Linda Powless because such a charge would destroy the video evidence that she submitted to the OPP that is the sole evidence in my current charge.

The jury has the right to weigh this important evidence that Linda Powless falsified evidence already with the OPP and while doing so also provided the OPP with the so-called unedited video that the Crown is currently using.

It should also be noted that this past week in the Brantford Expositor that Linda Powless billed Six Nations \$216,000 for her work supporting the on-going occupations within Haldimand and Brant county. This bill claims to cover just her work for 2008 and 2009. This points to a real financial reason for Linda Powless to want to harm me as I am exposing to the public just how corrupt the Land Claim Business has become.

It is up to a jury to decide whether to trust the video submitted to the OPP by Linda Powless and not for the Crown to hide this information from the jury.

4) A copy of the transcripts and audit file from Jon Sabin. The OPP used these transcripts against me to justify my travel restrictions during my Bail Review in Dec. 2007.

The OPP willingly removed words from their presentation to the court back in Dec. 2007 to justify my travel restrictions. It is the only piece of hard evidence the OPP provided to the court to claim I was violent or wanted violence to occur.

The Crown has been asked for this twice already and continues to withhold it from me. This evidence is needed to demonstrate just how much the OPP will twist the facts to get the court to rule against me.

The fact that the OPP used this in court against me while repeatedly denying me a full copy of what the audit file truly contains raises real questions about hiding evidence that will expose wrong doing by the OPP.

Did the OPP mislead the court during my bail review by misquoting this audio file? Does this demonstrate how the OPP may be willing to mislead the court during my trial?

Again, these are questions a jury needs to weigh and not for the Crown to hide this information from them. Furthermore, this evidence is directly connected to my Charter Challenge and therefore withholding this evidence limits the evidence I have regarding the actions of the OPP.

5) I request a meeting to review blocked out areas from Vol 7 and Vol 9.

Based on the evidence regarding Commissioner Fantino it is clear that someone is blocking information that directly relates to my case. Someone made the decision to block out the fact that the Commissioner called me a goof and expressed the desire to personally arrest me - just like Darryl Gates of LA. Considering that this statement was the only statement blocked out on the page (Vol 10. pg 14) it is clear someone in the OPP didn't want me to know this. What possible legal reason could there be to hide this from me?

I will provide just one more example of the willful blocking of key information and that is found in Vol 10, pg 24 where someone decided to block out the fact that Commissioner Fantino had 'tinkered' with the original press release and removed the criminal charge of assaulting a police officer from the release.

Again what legal reason would the OPP have to block out such a key bit of information regarding the actions and motives of the Commissioner?

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Thank you for your time and please advise me ASAP as to whether you will grant these requests.

Sincerely,

Gary McHale

Gary McHale  
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Date: Aug 12, 2009

Attn: Mitch Hoffman  
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Re: Request for Disclosure Information

It should be noted that my first pre-trial was held on May 26, 2008 during which the issue of the Crown not providing full disclosure was addressed. The transcripts of that pre-trial have been ordered. From my memory Judge Hawke repeatedly asked the Crown why I was not given the disclosure I was requesting. Judge Cooper did the same at the second pre-trial.

The Crown's response was that they had already given so much disclosure and it had to stop at some point. It should be noted that of the 13 volumes of disclosure I have received 9 of these volumes were given after the first pre-trial. The amount of evidence in these 9 volumes that would have been withheld from me is enormous.

Commissioner Fantino's direct involvement in the event and the orders that went out from his office, or that of the Deputy Commissioner, would have been covered up. Even the text messages from Officer John Stephens, who was at the scene of the event, were not disclosed until Vol 12 was given to me, this having occurred on March 27, 2009 - a full 4 months after the trial started.

It should be noted that it is only through the emails and the cross referencing of these emails that I am able to create a larger picture of who knew what, when, and who ordered who to do what. As demonstrated with Fantino's emails this type of cross referencing is vital to my ability to make a full defence.

This is a follow up to my disclosure request from May 30, 2009.

1. All officers' names listed on emails as sent to or 'cc'd should be unblocked as per reason stated in the May 30 request. For the purpose of saving the Crown time I would limit this request to emails contained in Vol 7, Vol 8, Vol 10, Vol 12, and also any emails contained in Vol 11.
2. The video statements and/or written statements filed by Camille Powless on Dec. 1, 2007 as per the reason stated in the May 30 request.
3. The video statements and any written statements by Linda Powless as per the reason stated in the May 30 request.

- a. Linda Powless is the one from Turtle Island News who speaks to the OPP about the video evidence and hands the video to the OPP - Vol 3 pg. 147 line 34, also see Vol 10, pg. 12.
  - b. Linda Powless speaks to the OPP about the video in her interview on Dec. 2, 2007 - Vol 3, pg. 147 line 17-20.
  - c. A second video interview of Linda Powless was done by Six Nations Police - Vol 3, pg. 148 line 49-52.
  - d. A third video interview of Linda Powless is done on Dec. 10, 2007 - Vol 3, pg. 148 line 95-101.
  - e. We also have emails to/from Linda Powless and the OPP - see Vol 8 pg. 25. This shows a more involved relationship between Linda Powless and the OPP.
4. A copy of the transcripts and audit files from Jon Sabin as per the reason stated in the May 30 request. I also provide the following additional reasons for this disclosure:
- a. Jon Sabin is a native P.I. in New York who claimed to be working for the OPP.
  - b. Jon Sabin was a guest speaker at my first rally in Caledonia.
  - c. Jon Sabin met with two OPP officers on Dec. 28, 2006 - just after my first arrest on Dec. 16, 2006 - and provided them with the audit tape used by the OPP in the Bail Variation hearing.
  - d. On Dec. 29, 2006 Jon Sabin started a campaign of defamation against me and my lawyer. He even created a Nazi/KKK/white supremacy website using my name, my photo, my logos etc. to make people believe Gary McHale was the leader of the KKK movement in Canada. (see Vol. 1, Tab 17, pg. 27, para. 2).
5. I request a meeting to review the blocked out areas from Vol 7, 8, 9 as per the reason stated in the May 30 request.
- a. Example: Vol 9, tab 3, pg. 4 is blocked out but the contents are clearly about the videos from Turtle Island News.

Additional Disclosure:

6. Vol 8, pg. 55 is an email with the subject title, "Powless James statement" with an attached file named, "Moses-Powless, James Carl 03De..." which appears to be the James Powless statement given to OPP Greg Moses.
  - a. James Powless was a subpoenaed witness of the Crown and as such his statements to the OPP must be disclosed.
  - b. The Crown also needs to disclose James Powless' video interview - Vol 3 pg. 147 line 28-29.

7. The OPP received still photographs from Turtle Island News from the event on Dec. 1, 2007 which have not been disclosed - see Vol 3, pg. 148 line 63-64.
8. Vol 5, tab 9 pg. 6 states, "Wade working on report for Commissioner" - that report should be disclosed.
9. All emails to/from Bob Goodall should be disclosed from Dec. 1, 2007 to Dec. 7, 2007 regarding Gary McHale, the protest or the investigation. Vol.12 tab 2 pg 22 has an email from Bob Goodall to Fantino which states that Insp. Renton has been told 'the urgency of this matter has been emphasized to him'.
  - a. Insp. Renton orders two officers to arrest me 1 hour after this email. Clearly the message forwarded to Renton by Goodall influenced the speed at which the OPP were willing to arrest me.
10. OPP Tom Hodgins was text messaging from his blackberry during the protest event on Dec. 1, 2007. All text messages to/from Tom Hodgins should be disclosed.
  - a. The Crown has stated that these text messages are not saved by the service provider. Whether this is a true statement or not isn't the point. All blackberries save all text messages to/from.
  - b. If messages no longer exist it can only be because Tom Hodgins wilfully deleted them from his blackberry.
  - c. If the Crown cannot supply the text messages from Tom Hodgins then these text messages need to be recovered from the email accounts of other officers who sent to/from Tom Hodgins on Dec. 1, 2007. These officers include the following:
    - i. Insp. Renton, Insp. McLean, Commissioner Fantino, Chris Lewis, Ron Gentle, Bob Goodall, Ben Gutenberg and;
    - ii. All officers named in the c.c. line of the email on pg 2 Vol 7 tab 1 which is an email from Tom Hodgins at the scene of the protest to numerous unnamed officers. Any additional names found on the c.c. line of the email on pg. 4 Vol 7 tab 1 should be included in the list.
11. I was lead to believe only Tom Hodgins was text messaging during the protest. In Greg Moses' interview in Vol 5. tab 17 pg. 4, he states his partner Tom was messaging out of his blackberry.
  - a. It is now clear Greg Moses was also text messaging during the protest - see Vol 7 tab 4 pg 1 - two emails on this page stated they are from Greg Moses with a time stamp of 9:38 and 8:31. Also see pg 3 which has an email from Greg Moses with a time stamp of 10:09 and another email on pg. 5 with time stamp of 10:46.
  - b. All emails to/from Greg Moses on Dec. 1, 2007 to Dec. 7, 2007 should be disclosed if they relate to Gary McHale, the protest event or the investigation.
  - c. If emails do not exist then steps should be taken to recover them from the email account of those who are on the c.c. list.

12. There are several 'Fleming - Plank Road Smoke Shop: Protest Update' reports sent out by various officers starting at least 10 am. Copies of all Updates should be disclosed. See Vol 7 tab 5 pg. 2 as an example. I believe these were sent out by either Insp. McLean or Sgt. Carter.
13. Officer Paula Wright is receiving and sending emails with attached files to/from all the senior OPP officers starting on Dec. 1 until Dec. 7. Many of these emails are directly related to me and my charge. All emails to/from Paula Wright should be disclosed including all attached text files in these emails.
  - a. Sgt. Rektor also played a key role in sending and receiving information regarding the protest - see Vol 12 tab 2 pg. 29. All emails and attached files to/from Rektor from Dec. 1, 2007 to Dec. 7, 2007 regarding Gary McHale, the protest or the investigation should be disclosed.
14. To Clarify: All emails to/from Insp. McLean, Sgt. Carter, Greg Moses, Tom Hodgins, Bob Goodall, Paula Wright, Sgt. Rektor, Blake Cohoe, Heidi Fischer, David Ecker, Mike Waechter, Augis Howe, Ron Gentle and Kent Skinner from Dec. 1, 2007 to Dec. 7, 2007 should be disclosed if they relate to Gary McHale, the protest or the investigation.
  - a. Echer & Waechter are added into the list due to the fact they play a key role in gathering the evidence during this time frame.
  - b. McLean & Carter are active at the command center during the protest in creating hourly updates and sending/receiving details of the protest.
  - c. Kent Skinner was providing reports to various officers regarding the protest on Dec. 1, 2007 - see Vol 12, tab 2, pg. 31 which has several emails to/from Skinner regarding details of the event on Dec. 1, 2007.
  - d. Blake Cohoe and Heidi Fischer was providing reports to various officers regarding the protest on Dec. 1, 2007 - see Vol 12, tab 2, pg. 32.
  - e. Ron Gentle and Augis Howe are senior officers sending and receiving emails regarding charges and details of the event on Dec. 1, 2007. Both officers are providing Commissioner Fantino with details of the event and status of the investigation.
  - f. PLEASE NOTE: All emails should not block out any names of who received the emails.
15. Vol 8, pg. 38 states there is a 'Crown Brief synopsis' regarding details about an 'assault' charge against me. The date of this email is Dec. 6, 2007.
  - a. The 'Crown Brief synopsis' and any other material related to this false charge must be disclosed.
  - b. The fact that on Dec. 1, 2007 after only receiving a complaint from Camille Powless with no other supporting evidence Insp. Renton ordered my arrest claiming the OPP had reasonable and probable ground to lay the charge.
  - c. The Crown has stated in its Charter response that no charge was laid until after a complete investigation was completed - this is quite misleading since the only reason I

was not arrested was because the Officers Renton ordered to arrest me could not find me.

- d. This material will show how quick and eager the OPP is to lay any charge against me.
16. Vol 5, tab 8, pg. 4 states that DC Waechter and Tom Henry prepared a 'telewarrant' to enter my residence to effect an arrest on Dec. 6, 2007. All material related to this 'telewarrant' should be disclosed.
- a. This 'telewarrant' is most likely the assault charge in 15a above.
  - b. The prepared documentation whether the warrant was issued or not should be disclosed.
17. The notebooks of OPP Dan MacDonald and D/Cst Stuart Hayhurst and any recording of the meeting between them and Jon Sabin mentioned in 4c. which occurred on Dec. 28, 2006. (see top of page Bail Variation Hearing disclosure pg. 4)
- a. This meeting took place after the failed attempt by the OPP to illegally charge me and get travel restrictions on me from the protest event on Dec. 16, 2006.
  - b. The notes and records will show that the OPP encouraged or requested Jon Sabin to start a campaign of defamation against me.
  - c. It will show the extent the OPP are willing to go to target Gary McHale.
18. It has become apparent that Insp. McLean ordered officers to prepare for my arrest and prepare documents for court for release conditions as early as Nov. 16, 2007 prior to any announcement of the protest on Dec. 1, 2007 - see Vol 8, pg. 49-50 - this email is from McLean that there is a rumour I will be in Caledonia on Nov. 17, 2007 and the OPP need to be ready to arrest me and get restrictions on me.
- a. **This is the smoking gun which shows the OPP were directly targeting me prior to any alleged crime had even been committed.** It is clear from Doug Fleming's testimony that I played no role in the smoke shop protests. This doesn't stop the OPP from targeting me for the smoke shop protests.
  - b. Just to note, I wasn't in Caledonia on Nov. 17, 2007 so the OPP were unable to follow up on McLean's order to target me, however, I do believe Doug Fleming did a smoke shop protest on that day.
  - c. **The Crown should immediately withdraw the charge against me.** Failing this the following disclosure is requested:
  - d. All emails to/from Commissioner Fantino, Insp. McLean, Sgt. Carter, Greg Moses, Tom Hodgins, Bob Goodall, Paula Wright, Sgt. Rektor, Blake Cohoe, Mike Rigby, Scott Wade, Chris Lewis, Heidi Fischer, David Ecker, Mike Waechter, Augis Howe, Ron Gentle, Insp. Renton, Scott Thompson, Dave Ricker and Kent Skinner from Oct. 1, 2007 to Dec. 7, 2007 should be disclosed if they relate to Gary McHale or Doug Fleming Smoke Shop Protests.

- e. All briefing notes, minutes etc. from Oct. 1, 2007 to Dec. 7, 2007 related to Gary McHale or Doug Fleming Smoke Shop Protests.
  - f. OPP Occurrence Report (RM07121354) on Oct. 21, 2007 regarding smoke shop protest. All notes and emails from each officer named in this report should be disclosed. All emails to/from these officers related to Gary McHale or Fleming Smoke Shop protest should be disclosed.
  - g. OPP Occurrence Report (RM07260016) on Oct. 20, 2007 regarding smoke shop protest. All notes and emails from each officer named in this report should be disclosed. All emails to/from these officers related to Gary McHale or Fleming Smoke Shop protest should be disclosed.
  - h. The following Occurrence Reports (RM07259966, RM07127060, RM07127060) are events where the OPP investigated me. The notebooks and emails from every officer involved in these Occurrence Reports should be disclosed.
  - i. The above disclosure requests are based on McLean ordering his officers to target me based on a rumour and my so-called actions six weeks leading up to Nov. 16, 2007.
19. There is clearly a pattern here of the OPP attempting to arrest me and get travel restrictions knowing full well no crime has been committed, or based solely on the flakiest evidence - i.e. Renton ordering my arrest for assault on Dec. 1, 2007 after a 15 minute investigation.
- a. Insp. McLean attempting to get me arrested and place restrictions on me based on my 'illegal activities' regarding the smoke shop protests which I had no involvement in.
  - b. D/S/Sgt. Walton and Det. Alexander attempting to pressure Crown Attorney Andrew Goodman to lay mischief charges against me on Dec. 17, 2006. Based on the Occurrence Report on Dec. 16, 2006 (RM06136448 - see Vol 1, Tab 17, pg. 2), the case was marked 'Complete - solved (non-criminal)' and the summary statement is 'Gary McHale was arrested for Breach of Peace in relation to Douglas Creek Estates flag rally.' It is clear Officer Walton & Alexander knew full well I had committed no crime and yet they attempted to pressure the Crown to lay false charges against me in order to get travel restrictions.
  - c. I again request the Crown withdraw the current charge as it is now clear the OPP is willing to lay any charge against me to get travel restrictions. Failing this I request the following disclosure:
    - i. All emails to/from and the notebooks from each officer named in the Police Service Report regarding my arrest on Dec. 16, 2006 as it relates to Gary McHale or the protest schedule on Dec. 16, 2006.
    - ii. These emails and notebooks should cover the time frame from Dec. 2, 2006 to Dec. 17, 2006 - this covers the time from when Commissioner Fantino requested I be targeted to be arrested to my release from jail on Dec. 17, 2006.
    - iii. All briefing notes, meeting minutes from Dec. 2, 2006 to Dec. 17, 2006 regarding Gary McHale or the scheduled protest on Dec. 16, 2006 should be disclosed.

- iv. All emails to/from and notes made by Chris Diana from Dec. 2, 2006 to Dec. 17, 2006 regarding Gary McHale or the scheduled protest on Dec. 16, 2006 should be disclosed. Mr. Diana was directly involved in the scheme to arrest me and get travel restrictions upon me.

I believe the vast majority of the items (other than item 18 & 19) above should have been part of the original disclosure. The fact that I have been forced to search through all the disclosure to discover that vital evidence has not been disclosed is unreasonable.

I request the Crown consent to the above disclosure ASAP and provide the material to me no later than Sept. 4, 2009. Your cooperation on this material is needed so a full defence can be provided.

If I do not hear back from the Crown by Tues. Aug. 18, 2009 agreeing to the above disclosure I will immediately seek a Superior Court ruling seeking the above disclosure. I will also seek cost of filing in Superior Court as much of this material should have been provided.

Thank you for your time.

Sincerely,

Gary McHale

Gary McHale  
106 Donald Bell Drive  
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Tel/Fax: 289-286-0423

Date: Aug 14, 2009

Attn: Mitch Hoffman  
Cayuga Crown  
55 Munsee St., Cayuga, Ontario N0A 1E0  
Tel: 905-772-3335, Fax: 905-772-3494

Re: Request for Disclosure Information  
Follow up reply to two Crown faxes from Aug 13, 2009

Dear Mr. Hoffman:

Thanks for addressing my disclosure request so quickly. The following should provide the information you requested.

- 1) Regarding para. 18f, g, and h - All the OPP Occurrence Reports are found in Vol 1, tab 17.
  - a) 18 f - (Oct 21, 2007 - RM07121354) - pg 10-11  
#10165 T. Bradley, #12275 R. Dougan, #11850 S. Deschamps
  - b) 18 g - (Oct 20, 2007 - RM07260016) - pg 12-15  
#354244 G. Walsh, #12403 C. Gaukel, #6561 J. Barron,  
#6602 D. Hillman, #8081 C. Leblanc, #11259 J. Piergentili,  
#10999 C. McDonald, #12405 P. Lenehan, #12276 D. Jacobs
  - c) 18 h - (Oct 10, 2007 - RM07259966) - pg 16 also see pg. 20  
#354244 G. Walsh, #10999 C. McDonald, #11259 J. Piergentili
  - d) 18 h - (Nov. 3, 2007 - RM07127060) - pg 22 also see pg. 24  
#11673 B. Rieck, #10282 S. Sloan, #11552 J. Renaud,  
#12407 D. Rees, #12276 D. Jacobs
  - e) For (a) to (d) above I am requesting the officers' notebooks and any emails to/from each officer regarding Gary McHale or Fleming Smoke Shop Protests covering just the days of the Occurrence reports.
- 2) Regarding para 19 c i, iii, iv - there are two OPP Police Service Reports from Dec. 16, 2006 event.
  - a) File # 2531007-0213 - Complaint by Gary McHale of false arrest  
  
<http://www.caledoniawakeupcall.com/documents/D-Dec16Report.pdf>
  - b) File # 2531007-0214 - Complaint by Gary McHale about being pulled over on Hwy #6

<http://www.caledoniawakeupcall.com/documents/5-Dec1606CarStopped.pdf>

- c) Both reports were done by OPP Robert Knipf who lead the investigation into each complaint. Officer Knipf interviewed, and most likely taped the interviews, of each witness. His notes and the taped interviews of each witness from both reports should be disclosed. Any emails/messages to/from Knipf and witnesses should be disclosed.
- d) The following officers were involved in planning my arrest or involved in my arrest which lead to my WASH court appearance on Dec. 17, 2006. All emails to/from these officers regarding Gary McHale or the protest on Dec. 16, 2006 along with their notebooks covering the timeframe from Dec. 2, 2006 to Dec. 17, 2006.

D/Sgt. Bernie Cowan, Sgt. Kieran O'Halloran, Sgt. Phil Carter, Insp. McLean, D/S. Sgt Greg Walton, D/Cst Heidi Stewart, D/Sgt. Doug Cousens, Cst. Paula Wright, Sgt. Dave Rector, Sgt. Luis Mendoza, Cst. Sean Stewart, Cst. Scott MacDonell, Commissioner Fantino, Insp. Ross Nichols, D/Insp. Bill Renton, D/Cst. Bruce Ferguson, Cst. Morley McGuire, Insp. Dan Rioux, Sgt. Mike McDonnell, Stg. Gutenberg, D/Cst Jodie Kays, D/Sgt. Hillman, Cst. Tom Elviss, D/Cst. Mike Alexander, D/Insp Wright, Insp. Doug Babbitt, Chief Supt. Sue Dunn.

- e) The following lawyers were involved: Andrew Goodman, Chris Diana, Larry Brock and Alex Paparella. Although lawyer-client privilege would normally apply, it is clear from the OPP report that the client, the OPP, included the views and legal advice of each of the named lawyers. Therefore, all emails to/from each lawyer and their notes regarding Gary McHale or the protest on Dec. 16, 2006 from Dec. 2, 2006 to Dec. 17, 2006 should be disclosed.
- f) A copy of all material that was prepared for WASH court on Dec. 17, 2006 should be disclosed.
  - i) Crown briefing was faxed to Crown Andrew Goodman on Dec. 17, 2006 - this fax should be disclosed.
  - ii) A synopsis outlining of the Dec. 16, 2006 event was prepared on Dec. 16, 2006 by D/Sgt Heidi Stewart - this should be disclosed.
- g) All briefing notes or minutes of any meetings from Dec. 2, 2006 to Dec. 17, 2006 regarding Gary McHale or the protest on Dec. 16, 2007 should be disclosed.
- h) Added Item: All video taken by the OPP on Dec. 16, 2007 along with all radio transmissions from that day should be disclosed.

Sincerely,

Gary McHale

Gary McHale  
106 Donald Bell Drive  
Binbrook, Ontario L0R 1C0  
Tel/Fax: 289-286-0423

Date: Aug 24, 2009

Attn: Mitch Hoffman  
Cayuga Crown  
55 Munsee St., Cayuga, Ontario N0A 1E0  
Tel: 905-772-3335, Fax: 905-772-3494

Re: Request for Disclosure Information

Dear Mr. Hoffman:

I have not yet heard from the Crown whether you will be providing the disclosure that I requested. I had hoped to hear back by Tuesday Aug. 18, 2009 in order to avoid having to put dozens of hours into preparing a motion, factum, book of record and book of authority to be heard in superior court.

Please fax me ASAP as to whether the Crown will be providing additional disclosure and which items you will be providing.

Sincerely,

Gary McHale



Ontario

Page 17

Ministry of  
the Attorney  
General

Crown Attorney

Regional Municipality of  
Haldimand55 Munsee Street  
Cayuga, Ontario  
N0A 1B0Tel/Tél:  
(905) 772-3043

Ministère du  
Procureur  
général

Procureur de la  
CouronneMunicipalité régionale de  
HaldimandPalais de justice  
Cayuga, (Ontario)  
N0A 1A0Fax/Télééc:  
(905) 772-3494

February 6, 2009

Gary McHale  
By fax 1-905-692-6420

Dear Sir:

Re: Your 'additional disclosure' letter dated January 27, 2009

Using the same numbering system you used in the above letter, my response is as follows:

1. a) The content, as opposed to the number called, of Bell cell phones (which are used by the OPP) text messages are not saved by the provider.

b) The content, as opposed to the number called, of Bell cell phones (which are used by the OPP) text messages are not saved by the provider; we will obtain and disclose John Stephen's notes for December 1/07 as they relate to the charge before the court subject to vetting as appropriate.

c) The content, as opposed to the number called, of Bell cell phones (which are used by the OPP) text messages are not saved by the provider; we have already disclosed all possibly relevant notes/reports/blackberry emails from officers present on the alleged offence date of December 1, 2007.

2. We are obtaining all recorded and recoverable communications to or from Deputy Commissioner Lewis to any member of the OPP on December 1, 2007 regarding your charge before the court which have not already been disclosed and subject to vetting as appropriate they will be disclosed.

3. My review of the file shows that all crime unit officers involved in the investigation of your charge before the court have already provided their possibly relevant notes/reports. If there is something else you are requesting please be specific as to name, date and suggested possible relevance.

4. Unless you can suggest additional specific possible relevance of this request to this charge, we are not agreeing to provide what you are asking for absent a court order.

5. Unless you can suggest additional specific possible relevance of this request to this charge, we are not agreeing to provide what you are asking for absent a court order.

6. Unless you can suggest additional specific possible relevance of this request to this charge, we are not agreeing to provide what you are asking for absent a court order.

7. Unless you can suggest additional specific possible relevance of this request to this charge, we are not agreeing to provide what you are asking for absent a court order.

8. Unless you can suggest additional specific possible relevance of this request to this charge, we are not agreeing to provide what you are asking for absent a court order.

9. During our prior 7 hour meeting at the OPP detachment we canvassed this issue to your satisfaction at the time. I indicated at the time and since that if you list specific officers that you need to know were included in the distribution lists of specific emails and why, I will likely favourably consider that request. That remains my position.

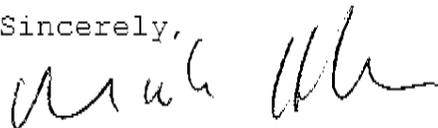
10. a) , b) , c) - Beyond the evidence you have already elicited at the on-going Preliminary Hearing, unless you can suggest additional specific possible relevance of this request to this charge, we are not agreeing to provide what you are asking for absent a court order.

11. As it relates to you and the charge before the court, anything meeting these criteria would have been obtained from the Commissioner, ART, or MELT and already disclosed subject to any legal privilege claims. The content, as opposed to the number called, of Bell cell phones (which are used by the OPP) text messages are not saved by the provider.

12. We have already met for 7 straight hours on volumes 1-10. Volume 10 is 37 pages and not 3 pages as you seem to suggest in your letter. Please outline exactly what your additional request is with respect to this volume (i.e. what page, which email, and what the possible relevance is to your charge before the court) and I will either respond in writing or agree to another meeting where I again either show you the vetted email in its entirety and we discuss the necessity of including it in disclosure or I explain the reason it was vetted out (i.e. privilege, relevance, etc.).

I await your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Hoffman". The signature is written in a cursive, somewhat stylized font.

Mitch Hoffman  
Assistant Crown Attorney  
Cayuga



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Ministry of the  
Attorney General

Crown Attorney

Haldimand County

55 Munsee Street  
Cayuga, Ontario  
N0A 1E0

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(905) 772-5043

Ministère du  
Procureur général

Procureur de la  
Couronne

Comté de Haldimand

55 Rue Munsee  
Cayuga, Ontario  
N0A 1E0

Fax/Télé:  
(905) 772-3494

April 7, 2009

**BY FAX TO (905) 692-6420**

Mr. Gary McHale  
106 Donald Bell Drive  
Binbrook, Ontario  
L0R 1C0

Dear Mr. McHale:

RE: R. vs McHALE, Gary

Following up on our phone message to you yesterday, Volume 12 of disclosure is available (Volume 13 having been disclosed to you first on March 16, 2009). It contains notes and e-mails from December 1, 2007, for Inspector John Stephens (re your January 27, 2009 letter request # 1-b) and for Deputy Commissioner C. Lewis (re your January 27, 2009 letter request #2). Along with my February 6, 2009 reply, this completes our response to your January 27, 2009 requests.

Yours truly,

  
**MITCHELL HOFFMAN**  
Assistant Crown Attorney

/cmh



Ministry of  
the Attorney  
General

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Palais de justice  
Cayuga, (Ontario)  
N0A 1A0

Fax/Télééc:  
(905) 772-3494

August 26, 2008

**Sent Via Purolator**

Mr. Gary McHale  
106 Donald Bell Drive  
Binbrook, ON  
L0R 1C0

Dear Sir:

Further to our letter dated on today's date, this will advise you that the cell phone messages from the time around your alleged offence are still being compiled and will be forwarded to you upon receipt by this office.

Yours truly,

**MITCHELL HOFFMAN**  
Assistant Crown Attorney  
Haldimand County

MH/get

