

MEMO

TO: FILE  
FROM: RICHARD WOLSON  
RE: DEREK HARVEY-ZENK  
DATE: April 1, 2005

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You spoke to the Crown, in 408 York and had this matter remanded to April 27<sup>th</sup>, 2005, at 10:00 a.m., in Courtroom 301.

MEMO

RE: DEREK HARVEY-ZENK

DATE: April 4, 2005.

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On March 30<sup>th</sup>, 2005, I attended to the first remand of this matter. I appeared before Judge Connor. The Crown was represented by Marty Minuk. The matter was adjourned to Wednesday, April 27<sup>th</sup>, 2005, at 10:00 a.m., in Courtroom 301 for particulars. Minuk indicated to me that he doesn't have particulars, as yet, but he will get them to me when he gets them. Harvey-Zenk was excused and Minuk indicates that he does not require him there.

I then met with Derek and his wife at my office and discussed issues relating to their case.

RJW/hr

MEMO

RE: DEREK HARVEY-ZENK

DATE: April 28, 2005.

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On this morning's date, April 27<sup>th</sup>, 2005, I attended to Courtroom 301, before Judge Corrin. The Crown was Marty Minuk. The matter has been remanded to May 25<sup>th</sup>, 2005, at 10:00 a.m., in Courtroom 301, for receipt of particulars and possibly setting a date. We put on the record, Mr. Minuk and I, that Harvey-Zenk need not attend at that time.

RJW/hr

TO: Jeff / Richard / Jul / Evan / Danny / Mark / Kathy / Paul / Kris

FROM: Sarah

RE: Derek Harvey-Zenk

DATE: May 25 2005

I attended courtroom 301 @ 10 with Minuk before Judge Elliot  
Charge(s):

Particulars:

- Requested
- Received

Crown Position:

This client's matter was:

- Adjourned
- Set down for trial
- Disposed of:

Guilty plea = \_\_\_\_\_

Sentence = \_\_\_\_\_

An application for judicial interim release was:

- Granted
- Denied

Conditions include:

- OR \$ \_\_\_\_\_ Surety \$ \_\_\_\_\_ Cash \$ \_\_\_\_\_
- KPBGB
- Personal Appearances
- Reside at \_\_\_\_\_
- Not move to a different address unless first permitted by Judge
- Tell Judge / Court official before changing address
- No c/c with \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Not attend within \_\_\_\_\_ of \_\_\_\_\_ work / school / home / church
- Report to bail supervision within \_\_\_\_\_
- Program \_\_\_\_\_
- Curfew \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Come to the door/answer the phone for curfew checks by WPS
- Not possess / use alcohol / drugs
- Firearms prohibition / Weapons prohibition
- Other \_\_\_\_\_

Next Court Date: May 31 2/302

Instructions/Notes to Lawyer:

to find a date that's mutually agreeable to both - set to May 31 2/302

- wants you block 2 weeks off in Feb or when you have time

MEMO

TO: Jeff / Richard / Paul / Evan / Danny / Mark / Kathy / Paul

FROM: Aaron

RE: Debet Harvey-Zenk

DATE: May 31st 2005

I attended courtroom 302 @ 2pm with M. Mark before Judge Learns  
Charge(s):

Particulars:

- Requested
- Received

Crown Position:

This client's matter was:

- Adjourned
- Set down for trial - prelim
- Disposed of:

Guilty plea = \_\_\_\_\_

Sentence = \_\_\_\_\_

An application for judicial interim release was:

- Granted
- Denied

Conditions include:

- OR \$ \_\_\_\_\_ Surety \$ \_\_\_\_\_ Cash \$ \_\_\_\_\_
- KPBGB
- Personal Appearances
- Reside at \_\_\_\_\_
- Not move to a different address unless first permitted by Judge
- Tell Judge / Court official before changing address
- No c/c with \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Not attend within \_\_\_\_\_ of \_\_\_\_\_ work / school / home / church
- Report to bail supervision within \_\_\_\_\_
- Program \_\_\_\_\_
- Curfew \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Come to the door/answer the phone for curfew checks by WPS
- Not possess / use alcohol / drugs
- Firearms prohibition / Weapons prohibition
- Other \_\_\_\_\_

Next Court Date: June 5<sup>th</sup> - 16<sup>th</sup>, 2006 - Prelim

Instructions/Notes to Lawyer:

- Your client needs to sign an acknowledgment slip by June 30<sup>th</sup>/05
- Mark will contact you and confirm the court record
- The Resolution Hearing is set for Dec 19<sup>th</sup> @ 9am

MEMO

RE: DEREK HARVEY ZENK

DATE: May 30, 2006.

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The Crown is asking for an adjournment on this matter. I have agreed. I have spoken to Derek and he is agreeable to it. I have left a phone message for Marty Minuk.

RJW/hr

MEMO

RE: DEREK HARVEY-ZENK

DATE: June 6, 2006.

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On today's date, May 30<sup>th</sup>, 2006, I appeared in Provincial Court, before Judge Finlayson. The Crown was Marty Minuk who indicated on the record that the Crown was seeking an adjournment. I agreed. I advised the Court that I would not and could not be available this year. I also told that to Minuk. He indicated that he knew that when he made the request. It has been put over to June 13<sup>th</sup>, 2006, for a date to be set. Neither myself nor the accused need to be there.

RJW/hr

TO: JEFF / RICHARD / SA / / EVAN / DANNY / MARK / KATHY / PA / / KRISTA

FROM: NOLAN BOUCHER

RE: DEREK HARVEY MURDENZENK

DATE: JUNE 13/06

I attended in Courtroom 302, at 10 AM, with RDD before Judge CURTS

Charge(s): REFUSE TO OBEY IMPD; OPR DANL; CRIM NEGLIGENCE CAUSING DEATH

Particulars: \_\_\_\_\_ Crown Position: MINOR

- Requested
- Received

Matter was: \_\_\_\_\_

- Adjourned
- Set down for preliminary
- Set down for trial
- Disposed of:

Guilty Plea: \_\_\_\_\_

Sentence: \_\_\_\_\_

Judicial interim release was:

- Granted
- Denied

Conditions include:

- OR \$ \_\_\_\_\_ Surety \_\_\_\_\_ Cash \_\_\_\_\_
- KPBGB
- Personal Appearances
- Reside at \_\_\_\_\_
- Not move to a different address unless first permitted by Judge.
- No c/c with \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Not attend within \_\_\_\_\_ of \_\_\_\_\_ work / school / home / church.
- Report to bail supervision within \_\_\_\_\_ Program \_\_\_\_\_
- Curfew \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Come to the door / answer the phone for curfew checks by WPS.
- Not possess / use alcohol / drugs.
- Firearms prohibition / Weapons prohibition.
- Other \_\_\_\_\_

Next Court Date: JUNE 27 10/302

Instructions / Notes to Lawyer: CROWN'S REQUEST FOR 2 MORE WEEKS BEFORE  
SETTING MATTER DOWN IN ORDER TO GET MORE DISCLOSURE THAN  
ARE WAITING ON. I PUT ON RECORD THAT CROWN'S REQUEST  
ADJOURNMENT AND NEW T.O.D.



TO: JEFF / RICHARD / L / EVAN / DANNY / MARK / KATHY / F L / KRISTA

FROM: NOLAN BOUCHER

RE: DEBEK HARUKY MONTEN ZENK

DATE: JUNE 27 06

I attended in Courtroom 302, at 10 AM, with RAM / ROD before Judge CUMMINGS

Charge(s): REFUSE ; 2<sup>o</sup> OPM IMPD ; OPEN DANG ; CEM NKS

Particulars: \_\_\_\_\_ Crown Position: \_\_\_\_\_

- Requested
- Received

Matter was:

- Adjourned
- Set down for preliminary
- Set down for trial
- Disposed of:

Guilty Plea: \_\_\_\_\_

Sentence: \_\_\_\_\_

Judicial interim release was:

- Granted
- Denied

Conditions include:

- OR \$ \_\_\_\_\_ Surety \_\_\_\_\_ Cash \_\_\_\_\_
- KPBGB
- Personal Appearances
- Reside at \_\_\_\_\_
- Not move to a different address unless first permitted by Judge.
- No c/c with \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Not attend within \_\_\_\_\_ of \_\_\_\_\_ work / school / home / church.
- Report to bail supervision within \_\_\_\_\_
- Program \_\_\_\_\_
- Curfew \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Come to the door / answer the phone for curfew checks by WPS.
- Not possess / use alcohol / drugs.
- Firearms prohibition / Weapons prohibition.
- Other \_\_\_\_\_

Next Court Date: JULY 11 10/302

Instructions / Notes to Lawyer: \_\_\_\_\_

REMAND MEMO

TO: JEFF / RICHARD / SAUL / EVAN / DANNY / MARK / KATHY / PAUL / KRISTA / AARON / SARAH

FRO: SHANNON SUMKA

RE: Derek Harvey mordenzenk

DATE: July 11 2006

I attended in Courtroom 302, at 10 am, with \_\_\_\_\_ before Judge \_\_\_\_\_

Charge(s): impaired drive cause death

Particulars: \_\_\_\_\_ Crown Position: \_\_\_\_\_

- Requested \_\_\_\_\_
- Received \_\_\_\_\_

Matter was: \_\_\_\_\_

- Adjourned
- Set down for preliminary
- Set down for trial
- Disposed of: \_\_\_\_\_

Guilty Plea: \_\_\_\_\_

Sentence: \_\_\_\_\_

Judicial interim release was:

- Granted
- Denied

Conditions include:

- OR \$ \_\_\_\_\_ Surety \_\_\_\_\_ Cash \_\_\_\_\_
- KPBGB
- Personal Appearances
- Reside at \_\_\_\_\_
- Not move to a different address unless first permitted by Judge.
- No c/c with \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Not attend within \_\_\_\_\_ of \_\_\_\_\_ work / school / home / church.
- Report to bail supervision within \_\_\_\_\_
- Program \_\_\_\_\_
- Curfew \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Come to the door / answer the phone for curfew checks by WPS.
- Not possess / use alcohol / drugs.
- Firearms prohibition / Weapons prohibition.
- Other \_\_\_\_\_

7 days

Next Court Date: Aug 15 10/300

Instructions / Notes to Lawyer: set pre lim for Richard.

TO: JEFF / ~~RICHARD~~ / SAUL / EVAN / DANNY / MARK / KATHY / PA / KRISTA

FROM: PETER EDGETT

RE: Devak Harvey Moulden Zepk

DATE: Aug 15

I attended in Courtroom 302, at 10:00, with Special Pros. Ma Nute before Judge \_\_\_\_\_

Charge(s): \_\_\_\_\_

Particulars: \_\_\_\_\_

Crown Position: \_\_\_\_\_

- Requested
- Received

Matter was:

- Adjourned
- Set down for preliminary
- Set down for trial
- Disposed of:

Guilty Plea: \_\_\_\_\_

Sentence: \_\_\_\_\_

Judicial interim release was:

- Granted
- Denied

Conditions include:

OR \$ \_\_\_\_\_ Surety \_\_\_\_\_ Cash \_\_\_\_\_

KPBGB

Personal Appearances

Reside at \_\_\_\_\_

Not move to a different address unless first permitted by Judge.

No c/c with \_\_\_\_\_ Exceptions: \_\_\_\_\_

Not attend within \_\_\_\_\_ of \_\_\_\_\_ work / school / home / church.

Report to bail supervision within \_\_\_\_\_

Program \_\_\_\_\_

Curfew \_\_\_\_\_ Exceptions: \_\_\_\_\_

Come to the door / answer the phone for curfew checks by WPS.

Not possess / use alcohol / drugs.

Firearms prohibition / Weapons prohibition.

Other \_\_\_\_\_

next Court Date: Aug 22 10/302 - to set up a trial date.

instructions / Notes to Lawyer: \_\_\_\_\_

MEMO

RE: DEREK HARVEYZENK

DATE: July 20, 2007.

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On today's date, July 17<sup>th</sup>, 2007, I attended in Courtroom 405 at 9:00 a.m., and prior to that we met with Chief Judge Wyant. Marty Minuk was the Crown. Derek Harvey entered a guilty plea to Dangerous Driving Cause Death. All other charges were stayed and there will be a joint recommendation for a conditional sentence. The terms and conditions will be forwarded to me by Marty Minuk and we will have them on file.

We referred Judge Wyant to the facts of the case and to the recommended disposition but he would not commit himself as one could understand. I advised him that we will have materials for him and provide them to him in good time prior to the sentencing which has now been set for August 22<sup>nd</sup>, 2007, at 9:00 a.m., in Courtroom 408.

I met with the family in total this morning, July 17<sup>th</sup>, 2007, in my office with Kathy. I advised them of what I required for the sentencing of this matter and we have left it that he can call me at any time. We should let him know the sentencing date,.

RJW/hr

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## MEMO

Transcribed on August 23, 2007

TO: FILE  
FROM: RJW  
RE: HARVEY-ZENK

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On August 22, 2007 I appeared in courtroom 230 on the sentencing on this matter. It proceeded with Marty Minuk making submissions recommending a conditional sentence. The Victim Impact reports being read in by the Authors of the reports very dramatically. I then made submissions jointly recommending a conditional sentence with terms and conditions similar to the ones filed in court by Marty Minuk. I asked additionally that the Accused be allowed to drive his daughter to daycare on a daily basis. At the conclusion Derek Harvey-Zenk made a very impassioned statement and apologized to the victims. Chief Judge Wyantt reserved matters and the matter was put over to September 5, 2007 for consideration. Counsel nor Accused need not appear.

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## MEMO

**Transcribed on August 24, 2007**

TO: FILE  
FROM: KLB  
RE: DEREK HARVEY-ZENK

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On August 22, 2007 I attended with Richard Wolson at 9:00 a.m in courtroom 230.

We did a half day sentencing in front of Judge Wyantt and Marty Minuk.

The matter has been reserved for decision to September 5, 2007 at 9:00 a.m in courtroom 119. The client need not attend. We will try to arrange a day for decision in advance.

REMAND MEMO

TO: JEFF / RICHARD / SAUL / EVAN / KATHY / PAUL / KRISTA / SARAH / PETER

FROM: PETER EDGETT

RE: Devert Harvey

DATE: Sept 5/07

I attended in Courtroom 119, at 9-12, with \_\_\_\_\_ before Judge \_\_\_\_\_

Charge(s): Dowry Drive

Particulars: \_\_\_\_\_ Crown Position: \_\_\_\_\_

- Requested
- Received

Matter was:

- Adjourned
- Set down for preliminary
- Set down for trial
- Disposed of:

Guilty Plea: \_\_\_\_\_

Sentence: \_\_\_\_\_

Judicial interim release was:

- Granted
- Denied

Conditions include:

- OR \$ \_\_\_\_\_ Surety \_\_\_\_\_ Cash \_\_\_\_\_
- KPBGB
- Personal Appearances
- Reside at \_\_\_\_\_
- Not move to a different address unless first permitted by Judge.
- No c/c with \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Not attend within \_\_\_\_\_ of \_\_\_\_\_ work / school / home / church.
- Report to bail supervision within \_\_\_\_\_
- Program \_\_\_\_\_
- Curfew \_\_\_\_\_ Exceptions: \_\_\_\_\_
- Come to the door / answer the phone for curfew checks by WPS.
- Not possess / use alcohol / drugs.
- Firearms prohibition / Weapons prohibition.
- Other \_\_\_\_\_

Next Court Date: Sept 12 9/230

Instructions / Notes to Lawyer: Sentencing Part 2

**M E M O**

RE: DEREK HARVEYZENK

DATE: September 13, 2007.

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On today's date, September 12<sup>th</sup>, 2007, I attended to Provincial Judges Court before Judge Wyant for a 9:00 a.m. Judge Wyant called Minuk and myself back to articulate further submissions as to why he should not go above the joint recommendation or reject the joint recommendation in terms of the fact that Harveyzenk is a police officer. Accordingly, we reviewed many of the case authorities. Judge Wyant had many, many questions. We started at about 9:15 a.m. and we finished sometime after 2:00 p.m., with a brief break in between. At the end, this matter is reserved until October 29<sup>th</sup>, 2007, at 1:00 p.m., at the Law Courts Building.

I met with Derek. Kathy prepared an Affidavit and will prepare documents in case we need to do a bail on October 29<sup>th</sup>, 2007. [REDACTED]

[REDACTED]

RJW/hr



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# MEMO

Transcribed on October 30, 2007

TO: RJW  
FROM: KLB  
RE: DEREK HARVEY MORDEN ZENK

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On October 29, 2007 Richard and I attended courtroom 210 before Judge Wyantt with Marty Minuk.

He received a two year less a day conditional sentence with the following conditions:

- KPBOGB
- PA'S
- report within 48 hrs to the Supervisor and thereafter as directed
- remain within the jurisdiction unless he has prior written permission
- notify the Court or Supervisor of any change in name, address, employment
- reside at an address to be provided to the Supervisor
- not move without he written consent of the Supervisor or the Court
- absolute curfew 7 days a week from 8pm - 6am for the first 15 months (except to and from work and home, dropping daughter off at daycare, community service work, meetings with Supervisor, 4 hrs in advance per week for appointments ie: dental, medical and medical emergencies
- abide by curfew checks by the Supervisor, Corrections, RCMP and Brandon Police

- abstain absolutely
- 180 hrs of Community Service Work to be completed within the first 18 mths
- attend/participate/complete substance abuse treatment
- keep a copy of the Order on his person at all times

Costs and surcharge were ordered at \$ 52.00, and he has 30 days to pay.