

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN  
V.  
GEORGE HUGH BOTHWELL  
- PROCEEDINGS -

BEFORE THE HONOURABLE JUSTICE OF THE PEACE. A. MARQUETTE.  
on MAY 02, 2011, at OWEN SOUND, Ontario

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CHARGE: s.267(a) C.C. - Assault w/ weapon

APPEARANCES:

K. RAE  
B. GREWAL

Counsel for the Crown  
Duty Counsel for George Hugh Bothwell

MONDAY, MAY 01, 2011:

THE COURT: Once again, make sure all your cell phones and communications devices are turned off, please. Thank you.

MR. BOTHWELL: Good morning.

THE COURT: Good morning.

MR. BOTHWELL: Could we have the Crown and the Judge [sic] state their names for the record, please?

THE COURT: They already have.

MR. BOTHWELL: I missed out on that, maybe for me, the accused — alleged accused?

THE COURT: I'm His Worship, Marquette in the Ontario Court of Justice.

MR. BOTHWELL: Does....

MR. RAE: Kenneth Rae, Crown counsel.

MR. BOTHWELL: Beg your pardon, Ken?

MR. RAE: Kenneth Rae.

MR. BOTHWELL: Kenneth. And does Mr. Marquette have a first name?

THE COURT: Andrew.

MR. BOTHWELL: Thank you.

MR. RAE: Now Your Worship, the Clerk has the Information; I don't know if it's ever been read.

THE COURT: I have the Information here before me.

MR. RAE: Could he be arraigned please?

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THE COURT: Madam Clerk, can you arraiqn him on this, please? Thank you.

MR. BOTHWELL: Will there be an opportunity for the accused to - alleged accused to see that document?

MR. RAE: Not yet.

CLERK OF THE COURT: George Hugh Bothwell, you are charged that on or about the 26th day of April, 2011 at the Municipality of Meaford in the Central West Region, did in committing and assault upon Azelda Bothwell, use a weapon, to wit, a book, contrary to Section 267(a) of the Criminal Code of Canada.

THE COURT: Okay, Mr. Crown; your position?

MR. RAE: Detention order sought, sir.

THE COURT: Thank you; duty counsel?

MR. BOTHWELL: I missed - I missed that, could I hear that?

MR. RAE: I'm seeking a detention order.

MR. BOTHWELL: Oh, that's very good, Ken.

MR. RAE: So do you have a lawyer?

MR. BOTHWELL: I understood it was a counselor and I'm all fixed up, 24/7/365. He's known as King of Kings and Lord of Lords. He's the Lord God Almighty himself, Kenneth.

MR. RAE: You're going to have Jesus come to court, are you? When's he ready to come?

MR. BOTHWELL: Well he's been with me all along and he's not prepared to go into this de facto fictional operation, this theatre that you're running, that you're acting Crown in and we have and acting Judge, (sic) which I believe are false so I would like you and the acting Judge (sic) to disprove that by providing your oath of office. Is that still an option?

MR. RAE: Your Worship, I think that this boils down to a bail hearing, but we don't seem to be getting through to Mr. Bothwell that he best not fly the boat himself.

THE COURT: Just a moment. Counsel, did you speak with Mr. Bothwell?

MS. GREWAL: I did and...

THE COURT: Has he indicated when he wants a bail hearing?

MS. GREWAL: Mr...

MR. BOTHWELL: I can speak for myself.

MR. GREWAL: Yes.

MR. BOTHWELL: I'd like to be released.

THE COURT: Okay, that's fine; when would you like the bail hearing, sir?

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MR. BOTHWELL: I'd like to be released. George Hugh...

THE COURT: The Crown is not consenting...

MR. BOTHWELL: . . . George Hugh would like, to be released.

THE COURT: . . . the Crown is not consenting to your release at this time, sir...

MR. BOTHWELL: Well, that's fine.

THE COURT: ...therefore, when would you like to have a bail hearing?

MR. BOTHWELL: I believe you're asking for me to enter a jurisdiction that I do not want to enter. If you can't hear me, please see me. You have no consent, Kenneth, neither do the Officers. As a result, you have no jurisdiction because I am not this legal fiction, this trust, that this pirate operation is trying to loot, thank you.

MR. RAE: I've been called many things, but that's the first for "pirate." In any event...

MR. BOTHWELL: Well that's the ship you're on...

MR. RAE: . . . the defendant is entitled to...

MR. BOTHWELL: . . .so I'll call in the Royal Navy to arrest ya.

MR. RAE: . . .counsel at a bail hearing unless he's going to make speeches and not be responsive. So shall we start the bail hearing now?

THE COURT: I don't care.

MR. BOTHWELL: I do appreciate that I understand you pulled the name according to duty counsel here off the docket; there's not even a Bothwell on the docket, so that's promising. If you want Bothwell, he is in legal detention...

THE COURT: Let him prepare.

MR. BOTHWELL: . . . in Red River Road in Thunder Bay, if you're, you know...

THE COURT: Let him prepare. We've got a — he can prepare...

MR. BOTHWELL: . . .courtesy of the Finance Minister.

THE COURT: . . .we can let him prepare for a bail 25 hearing; we'll set a bail hearing date for him, tomorrow, the next day?

MR. RAE: I think it would probably be fair although I do not - I've known Mr. Bothwell for decades. He has become progressively less lucid.

MR. BOTHWELL: Kenneth, is that the pot calling the kettle black or what?

MR. RAE: The chances are that he's not going to improve in the next few days, but....

THE COURT: Sorry?

MR. RAE: The chances, in my opinion, are very good that he is not going to improve much in the next

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few days but it appears to me that he ought to be given the chance.

THE COURT: To prepare for a bail hearing?

MR. RAE: Yes.

THE COURT: That's what I'm saying. I think if he wants to prepare for a bail hearing, wants to try to contact a possible surety, et cetera, I'm sure — duty counsel, have you spoken to him about the bail hearing and the process?

MS. GREWAL: That's what the intention is that he would like to be presented himself, to be released on his own rather than...

MR. BOTHWELL: Can I maybe speak to that?

MS. GREWAL: . . .rather than bringing some person...

MR. BOTHWELL: Is it....

MS. GREWAL: . . . as a surety or - but I did review with him what are the charges - what the charge is and if this Court is going to release with or without surety, it will be no contact and not to attend. He understands that he will attend court and he will not have contact with that person. He does understand that concept but other than that, I don't have any instructions - oh, but the surety, but it was far along that he said that he will be on his own to be considered [sic].

THE COURT: The Crown's case?

MR. RAE: We can't adjourn the matter without consent for more than three days, but I'm asking for three days down the line for a bail hearing and there will have to be some consideration of seeing whether he is *compus mentis*.

MR. BOTHWELL: Could I speak to the matter?

THE COURT: Go ahead, sir.

MR. BOTHWELL: Thank you, very much. I believe with regards to lucid, there was an examination of George Hugh sometime in November, I'm guessing the second week, it may be a Tuesday, by a Joseph - or a William Joseph Paul Comar (ph) and I was promised that report from both Mr. Thompson, Robert Morrison, and from I believe it was Michael Martin. Yet, I have not received that as of yet so that is a request. So we can keep on the same page. I would also request that the transcripts for the previous two appearances and this appearance, be made available. I think we can arrange to have them for placing on the file. The *amicus* here *curie*, I believe, showed me through the glass...

MS. GREWAL: I'm duty counsel, sir.

MR. BOTHWELL: ...oh, a duty counsel spoke and apparently she has possession of a Crown brief or a disclosure that I would appreciate a copy of as well, I understand there is some documentation that she

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has that we'd like to put on this court file, that has been served on the Crown and we would like it served on the Court as well so that we can - whoever I come before, can have some background on where we're at. So with that in mind, I would be happy to return at any time...

THE COURT: What day would you request...

MR. BOTHWELL: . . . when that is made available.

THE COURT: . . .Thursday - Wednesday, Thursday - Tuesday, Wednesday, Thursday, which day would you like to have your bail hearing, sir?

MR. BOTHWELL: Whatever is most suitable to the Court.

THE COURT: No, I'm asking you; which day would you like to have your bail hearing?

MR. BOTHWELL: I would like to be released as soon as possible, so we can return as soon as possible would be most satisfactory, thank you.

MR. RAE: Well all I can say is, I'm not sure what he's talking about, some examination; never heard of that.

MR. BOTHWELL: Well maybe we could look into it.

MR. RAE: So...

MR. BOTHWELL: We can provide you with....

MR. RAE: . . .so indeed, but I might not be able to...

THE COURT: The matter before this Court is... MR. BOTHWELL: If we could provide you with the transcript....

THE COURT: . . . is the Section 267(a) and therefore, that's what I'm dealing with right now. I have a 267 (a) ...

MR. BOTHWELL: So maybe we could provide the disclosure to the alleged accused?

THE COURT: . . .before the Court, so therefore I'm going to bring him back for a bail hearing and give him time to prepare. You're requesting three days, so Thursday...

MR. RAE: Fine.

THE COURT: . . .May the 5th, 10:00 a.m., this courtroom and we'll bring that back for a bail hearing.

MR. BOTHWELL: Could I be provided - excuse , I'm sorry, Your Honour [sic]. Could I be provided with the disclosure that my friend has in her possession and could the documents she had that are to be placed on the court file, be placed there?

MS. GREWAL: I think it's Mr. Bothwell's understanding that he will be acting as - self-represented, but he did ask - make a verbal request for a copy of disclosure. I took one set to review with Mr. Bothwell. I'm not sure....

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THE COURT: Is disclosure available?

MR. RAE: I'm sure it is.

THE COURT: Okay, could you check the Crown's office to see if disclosure is available for him?

MS. GREWAL: I can do that, sir.

THE COURT: Thank you.

MR. BOTHWELL: And that could be presented at the jail, thanks.

THE COURT: Thank you.

MS. GREWAL: Another issue is...

THE COURT: Well listen...

MS. GREWAL: . . . there are two support persons for Mr. Bothwell, present. They handed me documents and an affidavit of service. It was served to the Crown's office and Mr. Bothwell is seeking that these documents to be filed in the court file.

MR. RAE: I've never seen these.

MS. GREWAL: It is there, sir.

MR. BOTHWELL: It would seem to me that our friend, Kenneth....

THE COURT: No — no, that's fine. I'm dealing with this charge; we're bringing it back for bail hearing on the 5th of May at 10:00 a.m., this courtroom, and thank you.

MS. GREWAL: Is Mr. Bothwell allowed to file his 20 documents?

MR. BOTHWELL: It's a shame Ken's double-dipping at the expense of our young people. Your Honour, for the record. Thanks very much.

THE COURT: Go ahead.

MS. GREWAL: As I said earlier, Your Worship, these are the documents which have been duly served on the Crown Office; there is an affidavit of service to that effect. There are the documents if it might be helpful down the road if when this matter is being dealt with.

THE COURT: Okay, well you can provide them to the Crown's office.

MS. GREWAL: They have got a copy of that.

THE COURT: Okay.

MS. GREWAL: Thank you.

THE COURT: There not for me — the Crown's office.

MS. GREWAL: They have a copy, it has to go with the Court File.

THE COURT: That can go to the court file, yes, that could go to the court file. Okay, thank you.

MS. GREWAL: Thank you

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