

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

MAHYAR RADMEHR

E X C E R P T O F P R O C E E D I N G S

BEFORE THE HONOURABLE JUSTICE C. PIRRAGLIA
on June 21, 2019, at NEWMARKET, Ontario

APPEARANCES:

I. Denisov

Counsel for the Crown

M.P. Bury

Counsel for Mahyar Radmehr

(i).
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LEGEND

[sic] Indicates preceding word has been reproduced verbatim and
is not a transcription error
(ph) Indicates preceding word has been spelled phonetically.

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FRIDAY, JUNE 21, 2019

MS. DENISOV: Good morning, Your Honour.

THE COURT: Good morning.

MS. DENISOV: Denisov, initial "I" for the Crown.
Your Honour, I will be part of the list in here
today, and I brought the Radmehr matter in for
trial.

THE COURT: Yes.

... WHEREUPON OTHER MATTERS ARE SPOKEN TO

MR. BURY: Your Honour, could we have a -- I don't
know whether this is appropriate or, perhaps, an
off the record trial management JPT on this trial,
just to give you a heads up of where it's going?

CLERK REGISTRAR: Which matter are we talking
about?

MR. BURY: This is Radmehr, sorry.

THE COURT: Off the record...?

MR. BURY: Well, I can be on the record. It
doesn't matter. I'm just asking.

THE COURT: We can go off the record. I have no
issue with that, but it's just to address what
issue?

MR. BURY: Just to let how know how it's going to
unfold.

COURT REPORTER: Do I need to go off the record?

THE COURT: Do you want to go off?

MR. BURY: That's fine.

THE COURT: Let's go off the record.

CLERK REGISTRAR: Could you just state your name
first?

MR. BURY: It's Michael Bury, B-U-R-Y, sorry.

COURT REPORTER: Thank you.

CLERK REGISTRAR: And I'm going off the record?

THE COURT: Thank you.

MR. BURY: Thank you.

... OFF THE RECORD DISCUSSION

THE COURT: Can I see the information, please?

MR. BURY: I will invite Mr. Radmehr once you tell me to.

THE COURT: It's count 2, May 23rd, 2018, and count 4.

MR. BURY: Utter threats.

THE COURT: Let's bring the parties in.

MR. BURY: Thank you.

THE INTERPRETER: I'm the interpreter.

THE COURT: For the complainant?

MR. BURY: I don't think she needs.

THE COURT: Well, we'll wait.

MR. BURY: I'm also family counsel, and we've been not using an interpreter.

CLERK REGISTRAR: No interpreter has been ordered ever on the Information.

THE COURT: Do you need an interpreter?

SHEIDA ALETRATIKHOSROSHAHI: Yes, please.

THE COURT: All right. What language?

SHEIDA ALETRATIKHOSROSHAHI: Farsi.

MS. DENISOV: The Farsi interpreter is here, Your Honour.

THE COURT: Yes.

MS. DENISOV: The complainant indicates she needs an interpreter.

MR. BURY: Well, sorry. I might have submissions on that point, but subject to Your Honour.

THE COURT: Well, let's have Mr. Radmehr arraigned.

Arraignment and Plea

MR. BURY: Yes. Step right up, please, sir.

MAHYAR RADMEHR: Right here?

MR. BURY: Right here is fine.

CLERK REGISTRAR: This is on the 202 9:00 o'clock docket, line 54-55.

Mahyar Radmehr, on or about the 23rd day of May in the year 2018 at the Town of Richmond Hill, in the Regional Municipality of York, did commit an assault on Sheida Aletratikhosroshahi contrary to section 266 of the *Criminal Code*.

And further, that between the 23rd day of May in the year 2018 and the 25th day of May in the year 2018 at the Town of Richmond Hill, in the Regional Municipality of York, did by word of mouth, knowingly utter a threat to cause death to Sheida Aletratikhosroshahi, Mana Radmehr and Melena Radmehr contrary to section 264.1(2) of the *Criminal Code*.

The Crown elected summarily September 18, 2018.

How do you plead to these two charges as read, sir; guilty or not guilty?

MAHYAR RADMEHR: Not guilty.

THE COURT: Thank you, Mr. Radmehr. Have a seat for now.

MR. BURY: Preliminary matters?

THE COURT: Yes.

MR. BURY: If we could please ask for an order excluding witnesses?

THE COURT: Yes. All witnesses who are expected to give evidence in this trial shall remain outside until they are called to give evidence, and shall not discuss their evidence with anyone until the

completion of this matter.

MR. BURY: The second requested order is an order allowing Mr. Radmehr to sit beside me during the trial?

THE COURT: Yes, that's fine.

MR. BURY: And third, I guess, issue to canvass this late or last minute arrival of an interpreter. I have some concerns, the concerns being the complainant has never used an interpreter in these proceedings. I'm also family law counsel in the matter. I have conducted examinations of her in the English language. We have multiple transcripts of her responding in English with no difficulty understanding me with her counsel sitting directly beside her answering all questions without even a glimmer of confusion.

THE COURT: Ms. Denisov, is it your understanding that...?

MS. DENISOV: Your Honour, unfortunately, I was not the Crown that has had carriage of this matter. I just received it last night. I was simply told this morning that there was an interpreter here on that matter, that the complainant wished to use the services of an interpreter, and that is really what I know. I, certainly, am not in any way disputing what my friend is saying that no interpreter has been used to date.

THE COURT: Well, we'll get started without the interpreter. If you don't mind standing by, sir.

THE INTERPRETER: That's fine, Your Honour. I think that's the impression I get from the complainant as well.

THE COURT: Thank you.

MR. BURY: And I think that's fair, Your Honour, to be fair to everyone involved. Mr. Radmehr, if you could have a seat beside me.

The final issue, Your Honour, that we canvassed informally. I'll just formally indicate. We have been given some further disclosure today.

THE COURT: You can have a seat, Mr. Radmehr.

MR. BURY: You can have a seat.

We were given some disclosure this past Monday which was essentially the same disclosure previously disclosed when we were last before you, the videos.

THE COURT: Yes.

MR. BURY: I understand the Crown is not relying on that evidence, so I don't anticipate making an issue of that.

THE COURT: Thank you.

MR. BURY: We've also been given today a transcript or translation, I believe, of those videos by a certified interpreter, and similarly, I understand the Crown's not relying on this, so I don't seek an adjournment to review what's been provided this morning.

THE COURT: Thank you very much.

MR. BURY: Other than that, homework's complete. We're ready to proceed.

THE COURT: All right. Thank you, Mr. Bury. Can we just have the interpreter sworn, and then, you can, perhaps, sit up close in case there's any need.

CLERK REGISTRAR: Does the interpreter prefer to

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swear on one of the books or be affirmed, solemn affirmation?

THE INTERPRETER: By affirmation.

COURT REPORTER: Sir, you have to stand behind the mic.

ABDOLLAH ZAHIRI: AFFIRMED, as Farsi Interpreter

CLERK REGISTRAR: Please state your name and spell it.

THE INTERPRETER: Abdollah, A-B-D-O-L-L-A-H, Z-A-H-I-R-I.

CLERK REGISTRAR: Thank you.

THE COURT: Thank you, Mr. Zahiri.

THE INTERPRETER: Thank you.

CLERK REGISTRAR: If the witness can just step into the box and remain standing for the moment. Would you prefer to swear an Oath on one of the books?

THE COURT: She can just use the English language unless she needs the interpreter. He can just standby.

THE INTERPRETER: I will standby, yes.

THE COURT: Thank you.

SHEIDA ALETRATIKHOSROSHAHI: The Koran.

CLERK REGISTRAR: With the Koran, okay.

SHEIDA ALETRATIKHOSROSHAHI: SWORN

CLERK REGISTRAR: Would you please state your name and spell it?

THE WITNESS: Sheida Aletratikhosroshahi. S-H-E-I-D-A, A-L-E-T-R-A-T-I-K-H-O-S-R-O-S-H-A-H-I.

CLERK REGISTRAR: Thank you. You may be seated.

EXAMINATION IN-CHIEF BY MS. DENISOV:

Q. Good morning, ma'am?

A. Good morning.

Q. Ma'am, how old are you?

A. I'm 39.

Q. Thirty-nine. You're just a little bit soft spoken which is okay, but we all need to hear you. I'm just going to ask that you speak up, please?

A. Sure.

Q. And that you ensure that all of your responses are verbal rather than shaking your head "no" or "yes" because the reporter has to take everything down.

A. Sure.

COURT REPORTER: If she could just move back a bit from the mic? We're getting a lot of static.

THE WITNESS: Better?

COURT REPORTER: Yes, thank you.

MS. DENISOV: Q. You indicated you're 39 years old. Where do you live?

A. 29 Woodhaven Crescent, Richmond Hill, Ontario.

Q. Do you have any children?

A. I have two girls+.

Q. How old are your children?

A. Ten and 7 1/2.

Q. I understand that Mr. Radmehr is your husband? You're currently in family law proceedings?

A. Yes.

Q. How long have you been married to Mr. Radmehr?

A. Since July 7, 2007.

Q. I understand that there are some allegations that you are making in relation to Mr. Radmehr that stem from 2018, so I'm just going to ask you to focus on those allegations,

and tell the Court in as much detail as possible, what happened in 2018?

A. Sure.

Q. Go ahead.

5 A. In May 23rd, 2018, I, as usual, I drop off -- like, give the breakfast to the kids, drop off them to the school, and I was looking for my cookwares. I couldn't find it, and Mr. Radmehr had a habit of always selling the stuff from the house, or like he was saying, he's putting in the garbage. When
10 he wake up, I asked him, and he said: "It's in the garage."

I went and checked the garage. I couldn't find, and I said: "It's not in the garage." He said: "You know what, I put it in the garbage because the food was sticking and stuff." And I told ---

15 Q. I'll just ask you to speak a little bit slower because we all have to take down what you're saying.

THE COURT: And I didn't understand. You were looking for your cookbooks?

THE WITNESS: Cookware.

20 THE COURT: Cookware, thank you.

THE WITNESS: Yes.

THE COURT: Thank you.

MS. DENISOV: Q. Just again, I'll ask you to speak more slowly. So, you woke him up.

25 A. No, I didn't woke him up. I woke up. I just made the kids ready for school. Dropped them off. Came back to do like cookings and my usual stuff. So, I couldn't find my cookware. When he wake up, I asked him. He said: "It's in the garage." But when I looked in the garage, I couldn't find. And
30 then, he told me, he put it in the garbage, all the cookwares.

Because he always had that habit, and our argument was about when I was at work, he was selling the stuff in Kijiji

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and putting in the garbage. I said -- like, I got upset, and I said, I just bought those cookwares six months ago. So, why did you put in the garbage? And he said, "Just go buy another one." He got very upset. The first thing he did from the side door, he came. It's in our main entrance, there is a shelf, and there is like candleholders and like the wooden clock. He swipe all the candleholder, everything on the shelf. Throw it in the middle of the living room. Everything was broken.

Because I start to video recording, and because all the time, then, we had an argument, like after, he was swearing, or when he was getting angry, always like he was throwing this stuff or breaking this stuff, and then, he was denying. So, I start to video recording after to show him.

And then, while he saw that I am video recording the broken stuff, he just -- I was in front of washroom -- sorry -- and like recording. He just rushed me aggressively to get my phone. I....

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE INTERPRETER: I walked backwards.

THE WITNESS: I walked backwards towards the washroom, and he was trying to get my cell phone.

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE INTERPRETER: I leaned on the wall.

THE WITNESS: I leaned on the wall, and with my hand, my right hand, I was hiding like the cell phone, so I just slide down to the floor, like he can't get it. Like, I just laid down, and he came on top of me, and like, he wants to get my cell phone. He puts so much pressure on me, and I was keep with my left-hand side saying: "Just get out of me. Get out of me."

MS. DENISOV: Q. Okay, I'll just again -- I know

it's a high anxiety situation. I just need you to speak a little bit slower because you are going very fast.

A. I'm sorry.

Q. Just give me one moment, please. He came on top of you, and you indicated you were doing something with your left hand?

A. Like, I was hiding my mobile like this and on the knee.

Q. You had your right hand behind your back, you're showing now?

A. With my cell phone.

Q. Okay.

A. Like, I'm on the floor right, and like he was -- he came like -- he put all pressure, and my neck was backward to the wall like this. It was so much pressure in my chest and my neck, and then, he was trying like -- with his left hand, he was trying to get my cell phone, and I was just pushing him back, like Get out of me. Get out of me. I can't breathe. Get out of me. Then, after probably a few times I told him, he just get out and went out of the washroom.

That moment, I didn't realize, but for two days, I couldn't go to work. All my neck and back -- like, I couldn't even drive. I couldn't turn around my neck because our washroom is very little, and like my head was like in the back of the wall, and it was like this, so it was this, pressure that he was on top of me. So, he went out and he was just swearing very, very bad languages, very, very bad. Like, I'm so sorry. I'm so sorry I'm using these words. Like, he was called me whore. He was asking me like, if you need money, like, you have to pay for the utilities. If you need money, go find a rich man. I'm sorry to telling you that. And put up your legs, and see how they spend money. He's saying, my -- I'm sorry, like to use....

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Q. It's okay, don't apologize. We have to hear these kinds of things all the time, okay, so whatever happened, we just would like to hear.

A. He was saying my dick in you and your mother and whole your family's cunt. He was saying, very, very nasty words. That's it.

THE COURT: I only heard the part about -- I'm sorry, I didn't hear the last bit about my dick and you and your mother and what else?

THE WITNESS: Whole family's cunt.

MS. DENISOV: Q. Just to clarify a few points. You indicated that this all started, essentially, when he swiped everything off a shelf in the living room?

A. Yeah, it was all the candleholders. Whenever he gets mad, like he doesn't see. He doesn't hear. He always breaks the stuff. It doesn't matter if it involves me or it's his mother or it's the workplace. He always does that. Oh, say, kids does something, he always breaks the stuff. Like, when he get very mad, he doesn't see. He doesn't hear. He just act or he throw the -- like, if there's something around him, he throw it towards the person.

Q. When you asked him, I believe you enquired why he threw the cookware in the garbage?

A. Because that was always our problem. Whatever I was buying for the house because -- like mostly, I was supporting the house, buying the house. He was selling. Like, even like, without telling me, when I was in the work, right. And I was always saying, I am the housewife. At least, you can tell me, or before putting in the garbage or selling.

Q. Did he say anything to you before swiping everything off the shelf?

A. No, it was all about like, those cookware was

old. Why are you making a big deal? Go and buy another one, and the food was sticking on them. And he got mad. Like, he got very, very mad, and he just swiped them, all the candleholders, and throw them to the middle of....

5 ... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE INTERPRETER: Living room.

THE WITNESS: Living room.

MS. DENISOV: Q. Now, where is the living room in relation to the small bathroom that you were telling us about?

10 Is it on the same floor?

A. Yes.

Q. Is this a house?

A. Yes.

15 Q. Now, when you indicated you started a video recording, where were you located? Were you still in the living room or somewhere else?

A. No, I was in front of the bathroom. Everything was broken. I was with your recording which I gave it to Court and the police that video. He was just yelling and walking 20 around. When he turn around, he was in the living room. When he turn around and saw like, I'm video recording, he just rushed me, like aggressively. And I told him: "Now, you want to get my phone and break it?"

Q. When he rushed you, where did you end up?

25 A. I was going like....

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE INTERPRETER: Walking backwards.

THE WITNESS: Walking back. I just walked backwards to the washroom. Our washroom is very 30 small, like in downstairs.

MS. DENISOV: Q. Now, you indicated that you slid to the floor and he came on top of you. What position was your

body in when you were on the floor?

A. Can I show, or am I not allowed?

Q. Could you try to describe it rather than showing it? Describe it for the record.

5 A. Can I describe and show it? Probably, that's easier.

Q. Her Honour's the boss.

THE COURT: You still have to put it on the record.

THE WITNESS: I explain it and I show.

10 THE COURT: Okay.

THE WITNESS: You see, it looks like -- this is washroom. Then, he came. I just did this.

MS. DENISOV: Q. You put your....

A. No, I went to....

15 Q. Sorry, just one moment. You put your right hand behind your back?

A. Yeah, I....

COURT REPORTER: Stay closer to the microphone.

You can't be standing there.

20 THE WITNESS: As I remember, I just like, I had my cell phone. I just went backward. Then, he just -- like, he wants to grab. I went to the washroom, and there was a wall like this.

THE COURT: Just let the Crown describe it, please.

25 MS. DENISOV: Q. You put your right hand behind your back, and you indicated in a motion that your phone was in your hand?

A. Yeah.

30 Q. Now, what I understood also was that you were up against some kind of wall?

A. Yeah, because -- I have a very small space.

Q. Okay.

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A. It's a door and a sink and it's a toilet,
right.

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION
THE INTERPRETER: Across.

5 THE WITNESS: Across, right. So, it was like wall.
I just did this because he came -- like, he rushed
me. I slide down to the floor and lie down, and I
hide it, but he came on top me. He was very heavy.
10 Like, he put his hand on the chest, and he was
trying to grab my phone from under me.

MS. DENISOV: Q. Sorry, he put what hand on the
chest? His hand?

A. Yeah, yeah. Like, he was on top of me. He put
like his hand to get my phone.

15 Q. Just stop one second. The witness is motioning
with her right forearm that it was put, essentially, horizontally
on her chest.

A. Like this, yeah. And my neck because I had no
space like, to lie down. My neck was like this. It was just --
20 he put here, and then, he was trying to get my phone. But with
this hand, I was trying to -- I was just saying, I can't breathe
like this. Get out of me.

Q. So, with your left hand, you were trying to
push him away?

25 A. Exactly, push him away.

Q. How long did this last, what was going on, on
the floor?

A. It was very quick. Probably, in the span of a
minute, a minute. I don't know. I notice I was saying, like, I
30 probably said two or three times, get off me. I can't breathe.
You're heavy. I can't breathe.

Q. Now, you're making a motion. Were you pushing

him off you as well, or not?

A. He was like this, and then, I remember I was using my hand, like.

Q. Was your hand connecting with his body or not?

A. Oh, yes. He was on top of me, yes.

Q. I understand that there was another incident on the same day. If you could describe that in detail?

A. Okay. That fight start May 23rd till it took like, I believe, two weeks till June 9th. For two days, I couldn't go to work. When, on Friday, I went back to work, he act -- like, he was gardening in front of the house, and he saw I am leaving, and that was the normal routine. Then, he pick up the kids from the school. Exactly when I was at work at 3:10, he called me, and he was screaming. He was saying: "I am in front of the school, and everybody's hearing me. Why you didn't left a note for me to pick up the kids?" Because that two days, we didn't talk. Like, I was just resting at my room. We didn't talk at all. So, why didn't you left a note for me. Now, after I pick up the kids, I am going to come and make you -- embarrass at your work in front of all your co-workers. Because I know when he get like mad, he has no control. I just told my co-worker and rushed to home.

Q. I'll just stop you there.

A. Sure.

Q. He was supposed to pick up the kids?

A. He always, like normally, like at 3:10, he picks up the kids.

Q. It's not very clear to me if you could explain again what he was saying when he was screaming at you?

A. Then, I left that Friday after two days to go to work. Like, he saw I got ready. I'm going to work. I didn't say anything, right. He saw I'm leaving, and I'm going to work.

So, he just called me exactly at 3:10, and he was just screaming and saying, like, why didn't you left me a note I have to pick up the kids? And I'm going to -- like, enough is enough. I'm going to make you -- after I pick up the kids, I'm going to come to
5 your work, and I'm going to make you embarrassed in front of my co-workers, and now, in front of the school, and everybody hearing me.

Q. All right. What happened next?

A. And then, I just got very nervous. Like, I
10 knew if he gets mad, like he acts. So, I didn't want he comes to my work and do something. So, I told my co-worker, just, there is something emergency happened. I will be back. I came home. He was upstairs, and the kids were playing in the backyard. I went upstairs, and I told him, what you want from me? Why you
15 just keep like abusing me and threatening me. Like, I'm not even talking to you.

And then, he just come downstairs. Called my girls from the backyard, and they came in, and he was screaming. The first thing he told to the kids, he said to them: "Do you know
20 your mom is whore?" And my girls turned around and said, "Mommy, mommy, what is whore meaning?" I just sit down in the couch and close their ear; and I told him, "Calm down. The kids is here. Calm down."

But he was screaming. He was wishing like my
25 parents -- he's wishing my parents to be died, and then -- like, he was swearing, and then, I told him today, you never heard from me -- I'm going to get divorced, but my kids is getting older. They don't even know these words name, and enough is enough. He told me, if you get divorced -- if you get divorced, I'm going to
30 burn the house with you and your kids. He told that like, in that two weeks, so many times. But in one of them, he said, I'm going to burn the house with you and your kids, and even if I'm

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inside. Like, another incident, I believe it was June 9, he said, I never said like I'm going to burn the house. I just said, I'm going to burn the -- if you get divorced, the money of the house, and I'm going to spend on the lawyers, but I'm not
5 going to give a penny for you.

But in two days after May 23rd, I told him, I don't need your house. I don't need the money. Just calm down. Don't abuse me. You always abusing me, mentally, physically, like verbally. Enough is enough.

10 Q. Just this incident when the kids were present, what date was this, do you recall?

A. It was two days. It was May 23rd, and it was two days -- like 24th and 25th -- 26th, Friday, I believe. I went back to work.

15 Q. Before he said this to you, did you make any threats towards him, or assault him in any manner?

A. Never, never. He always, like the money issues. Like, for example, I was paying for all the groceries, like vacations, all the kids' clothes, everything, and he was
20 paying the utilities. He was telling me that I have to pay for utilities, too. I said, I don't have -- like, there's no money left at the end of the month for me. So, he was saying, I -- like, you have to. You're working. I said, so what are you doing? He was saying, I put a roof on top of your head. You
25 have to. That's why he used that word, Go find a rich man for the utilities.

Q. Now, the threat that you're alleging he made, when he said, he would burn the house down with you and the kids, were the kids present when this threat was made?

30 A. Yes. He said, if I get divorced one day, he's going to do that.

MS. DENISOV: Thank you, ma'am. Those are all my

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questions. Defence counsel will have some questions for you.

THE WITNESS: Sure. May I get some more water, please? Sorry. Thank you so much.

5

CROSS-EXAMINATION BY MR. BURY:

Q. Yes, good morning, ma'am.

A. Good morning.

Q. I'm going to be putting a number of suggestions to you to keep it simple, but you can answer it however you want, but typically, the suggestions will require either a "yes" or "no" or "I disagree," so I'm trying to keep things narrow and focused but, of course, you answer as you see fit.

I understand you've been married to Mr. Radmehr to just over 11 years. Is that correct?

15

A. Yes.

Q. I understand that in addition to the charges that are before the Court, you are currently going through a high conflict divorce which you started in June of 2018; correct?

20

A. Yes.

Q. In fact, you commenced that divorce proceeding less than 14 days after his arrest. Is that correct?

A. Could you please ask one more time?

Q. Yes. You commenced the family law proceeding less than two weeks after he was arrested; correct? June 21st is the date of your application?

25

A. Yes.

Q. As a result of his arrest, I understand he was prohibited from going to the house, retrieving papers; correct?

30

He had bail conditions?

A. Yeah, he couldn't come to house.

Q. Right. To be fair to him, he couldn't access

all the documents, his personal papers; correct?

A. When the police arrested him, they said, he cannot come to the house.

Q. Right. What I'm saying is, he wasn't able to
5 access his papers as a result of that; correct?

A. Yes.

Q. Now, since June 2018, I understand you also contacted the police alleging that he may have tried to take the mail from the matrimonial home. Is that correct?

10 A. No, that's not true.

Q. You did not contact the police?

A. The mail?

Q. The mailbox. You called the police, worried that he may be breaching the bail condition. That's what the
15 police records show. Is that correct?

A. He changed my kids' address, and I called the post office, and I said, my kids living with me. Why he change the address? Probably, I let the police know about that.

Q. Well, no. My concern is, there is a very
20 specific suggestion made by you to the police that he may have attended at the house on July 2nd, 2018, indicates -- this is PC Wamboldt, I think you know her, and you can agree or disagree.

On July 2nd, 2018, the victim contacted P.C. Wamboldt, badge number 2154, and advised she
25 couldn't get in touch with a lawyer, and believed that two incidents had occurred where the accused was possibly breaching his conditions.

You indicated those two allegations were that your
30 mail was opened prior to you taking it from the mailbox so that....

A. I remember.

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Q. You remember that?

A. Yes, I remember. Two of my letters, like two of my letters was opened.

5 Q. Right. That's a suggestion you made to the police; correct?

A. I don't remember now, but I remember one of my -- like, two of my mails was opened.

10 Q. You remember contacting PC Wamboldt to tell her that?

A. Do you know what, in the past year, past one year, I contacted so many times with the police.

Q. Right.

A. So....

15 Q. Well, I'll make it simple for you. He was not charged with any breach of his bail for that incident; correct?

A. I never called to tell them to charge them. Just what was going on. I just let the police know.

20 Q. He was not charged with any breach of his bail condition as far as you know; correct?

A. Yes.

25 Q. The other suggestion or the other allegation you made to the police was that your parents on July 1st come back from Iran, were held at Pearson airport for three to four hours as they were told there was intelligence. They were bringing drugs and cash into the country. They were released after being searched, and what you told the police was, you thought he had contacted Customs to trigger this search of your parents. Is that correct?

A. That's true.

30 Q. As far as you know, he was not charged for this incident; correct?

A. Correct.

Q. At the last court appearance when we were before Her Honour, I understand your car went missing. Is that right?

A. Yes.

Q. I understand you contacted the police to indicate your car had gone missing?

A. Yes.

Q. You advised the police that it was likely your husband's involvement; correct?

A. Yes, I need to explanation for that.

Q. I'm not asking for an explanation. I'm putting suggestions to you. My friend may re-examine you. You called the police. Your husband was the prime suspect. Were you aware that the police actually contacted him almost an hour after court. Were you aware of that?

A. No, the police -- they called police, like contact beside me. Was called police contacted him.

THE COURT: Sorry, I didn't understand that answer?

THE WITNESS: Because we had the trial last time which is postponed. I went to the courthouse and my car wasn't there. I came back to the police of the court, and I told them, my car is missing.

THE COURT: The question was, were you aware that the police contacted?

MR. BURY: Q. The police had contacted Mr. Radmehr?

THE WITNESS: The court police who is in the front door, they called him.

THE COURT: Okay. That's what I didn't understand. The police at the front door called?

THE WITNESS: Yes, yes.

THE COURT: Yes, thank you.

MS. DENISOV: Q. I can indicate I was also contacted as counsel, but again, he was not charged in any way for this incident; correct?

A. Correct.

5 Q. Is it fair to say that one of the main issues in the family law matter is your claim to Mr. Radmehr's family trust worth almost \$1 million?

A. No.

Q. You have no interest in the million dollars?

10 A. I find out about that million dollars after separation.

Q. Right. It's part of your claim in your family law papers; correct?

A. Yes.

15 Q. I take it, you agree as of today's date, the family law matter has not settled in any way; correct?

A. Yes.

Q. And it will likely go to trial in the fall or thereabouts?

20 A. Yes.

Q. Now, you gave a videotaped statement to the police. Do you recall doing that?

A. Sorry?

25 Q. Videotaped statement to the police you gave back in, I believe it was in 2018?

A. Yeah, we did a statement of me, yes.

Q. Yes. For you, yes.

A. I got the video from the May 23rd.

30 Q. In that statement, in addition to the assorted allegations, you also indicated at one point, in your culture, you normally don't report your partner to the police, and that it is a very difficult thing to do?

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A. It's not about my partner; my husband.

Q. I'm just using your words. You indicate to the police....

A. My husband, yes.

Q. In your culture, you don't report your husband to the police, and that is something difficult to do; correct?

A. Yes.

Q. What I'm going to suggest to you, that's exactly what you've done on several prior occasions.

Specifically, I'm going to suggest, you've had prior partners reported to the police when the relationship was not going well. Do you agree or disagree?

A. They were my boyfriend. Wasn't the father of my kids. Wasn't my husband, and they got convicted.

Q. Regardless of what their status was, you've had no difficulty reporting prior partners to the police; correct?

A. Yes.

Q. For example, Mr. Mahmood Bonakdar Zadeh. I will spell it because that's very difficult, and if my spelling is wrong, I'm sure it will be corrected. M-A-H-M-O-O-U-D, B-O-N-A-K-D-A-R, Z-A-D-E-H. You reported him to the police when your relationship wasn't going well; correct?

A. No.

Q. You didn't? So, you deny reporting him to the police?

A. No.

THE COURT: Sorry, you're going to have to give me that?

MR. BURY: The name again, Your Honour?

THE COURT: Sorry, just a second. What's his name?

MR. BURY: The name is M-A-H-M-O-O-U-D, B-O-N-A-K-D-A-R, Z-A-D-E-H.

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THE COURT: That's three names?

MR. BURY: I guess the middle name is -- yes, three names. I'm assuming it's a middle name.

THE COURT: Z-A-D-E-H.

MR. BURY: Is the last name.

THE COURT: Okay, thank you. The answer was, no, she did not report.

MR. BURY: Q. Your evidence is, you never contacted the police with regard to him?

A. No.

Q. A gentleman by the name of Shapoor or Shawn. Do you recall him?

A. Yes.

Q. You, similarly, contacted the police to report him when your relationship wasn't going well?

A. He was a stalker.

Q. You reported him to the police...

A. Yes.

Q. ...after your relationship; correct?

A. Yes.

Q. Again, with the third partner, Seyed Reza Ziaei. I will spell that, Your Honour. S-E-Y-E-D, R-E-Z-A, Z-I-A-E-I. This was someone you also reported to the police?

A. Yes, and they got convicted.

Q. Right. You had him charged on that Valentine's Day of February 14th, 2004; correct?

A. I don't remember the time.

Q. And if I was to suggest that ended up in a peace bond, not a conviction, would you agree or disagree with that?

A. I don't remember that either.

Q. Okay. Moving along. You also attempted to

have my client's mother charged on January 27th, 2013; correct?

A. That's not true.

Q. You called the police to the matrimonial home?

A. I have the video. I give it to the Court. She
5 came. She insult me. I asked her to leave my house.

Q. I'm not asking about that.

A. And I gave the video what she did.

Q. Right.

A. And I asked her. She didn't leave, and I
10 called the police.

Q. You called the police, and attempted to have
her charged; correct?

A. No, I didn't attempt to have to charge. I just
want she leaves my house.

Q. Well, you alleged to have given them evidence
15 of an assault, so you weren't just asking them to remove her.
You were trying to have her charged with assault; correct?

A. No, that's not correct.

Q. I see. And you recall the police investigating
20 your claim of being kicked and hit by the mother-in-law. They
interviewed you; correct?

A. Yes.

Q. You'd agree with me that the police's
conclusion as it was written down was: Police did not have
25 evidence that an assault had occurred. So, she was not charged;
correct?

A. I didn't ask them for charge her. I asked them
to -- she moves my house.

Q. Well, it appears that you claimed you were
30 kicked and hit by your mother. You just didn't ask...

A. Yes, because I asked...

Q. ...them to leave?

5 A. ...for my daughter. She was holding my daughter. She swore at me. She was calling me names, and I asked her to leave my house. As soon as I want my daughter from her, she was sitting down on the couch. Like, she kicked my -- she pushed me and she said, "This is my house. You have to leave."

Q. And you gave the police a full statement about the physical actions that took place; right?

A. The police came, and I told what happened.

10 Q. Right. And the police concluded, there was no evidence to charge her?

A. Yeah, because it was like, it was my ex-husband. It was his mother and his grandmother, so they said, no, nothing happens. So, how am I going to like against the 15 three people.

Q. Exactly, nothing happened. Let's talk about....

A. No, they said, nothing happened, but it happened.

20 Q. The professional said, nothing happened correct. Let's move on.

THE COURT: Mr. Bury, no commentary, please.

MR. BURY: Q. Yes, I'm moving on.

25 A. It's his mother, his grandmother, and him, said nothing happened. Not me.

Q. Let's move on. I'm done with that area. Let's talk about the offence that bring us to Court, and what allegedly happened on May 23rd, 2018, or thereabouts. It's not clear from the Court Information.

30 You'd agree with me, nothing was reported to the police until June 9th, 2018, when you contacted them; correct?

A. Yes.

Q. Over two weeks later, you gave your video statement to the police; correct?

A. You mean two weeks later than June 9th?

Q. No, I believe on June 9th. Correct me if I'm
5 wrong.

A. Well, my video statement. Yes, June 9th, I gave the video statement.

Q. Right.

A. Sorry, I'm making mistake with the videos which
10 I provide to the Court. I'm sorry.

Q. Right. Let's talk about that video statement. In that video statement, you not only discussed the charges that are before the Court today, you also brought up 2012 charges; correct?

A. Yes.
15

Q. You brought up those charges knowing they had been withdrawn; correct?

A. No. The police ask me, tell us whatever happen, even if in the past, and I explained. They asked me, whatever happened, whatever, you have to explain.
20

Q. Did you explain to them that the charge is withdrawn? I'm going to suggest you didn't in your statement?

A. I just said what happened like in the past years.
25

Q. Right. And did you include the little detail that the charges were withdrawn?

A. No, I didn't. I don't remember.

Q. You didn't. As a result of that back in June 2018 and why we're here today, he was essentially recharged with
30 the same charges; correct?

A. Yes.

Q. Right. You knew that. You just said: "Yes."

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5 A. I didn't know. Okay, let me explain something about June 9th. I was going to work. He called me. I talked to the Yellow Brick House. They told me on the phone, like I take the kids' passport, right. In June 9th, I was going to work, and when I was leaving, he start like saying, when you come back, you have to pay for the cell phone and the insurance. I didn't answer. I just left the home. Once again, Mr. Bury, I have to....

10 Q. That wasn't my question. My question was very specific. My question was, you were aware -- you saw the charges. You saw the bail conditions. You spoke with victim witness. You know. You knew he had four charges, the 2018....

15 A. June 9th, I didn't know how many charges. I came home, and they....

Q. But you came to know he had four charges; right? You know. You've seen the documents. You've seen the reports.

A. You mean after June 9th?

20 Q. Yes. You came to know at some point in time....

A. Once again....

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE WITNESS: Could you please repeat once?

25 MR. BURY: Q. I'll try again. You came to know that there were four charges. He had been charged with the 2018 and 2012. You knew that?

A. Yes, after.

Q. Right.

A. Okay.

30 Q. And between that date and today's date, I'm going to suggest, you didn't speak to anyone whether the victim witness or the police and say: "Wait, wait. Those charges were

previously withdrawn." You didn't say that to anyone; correct?

A. No. I told them like I never talked to the police in 2012. In hospital, police ask me, he was the one told the police he choked me.

Q. That's not my question. I'll repeat it.

A. That is my -- let me....

THE COURT: I'm sorry, Mr. Bury, let her explain, please.

THE WITNESS: Please. He choked me. They took me by ambulance. I didn't call the police. When the police asked me in the hospital, I never told him he did that with those fingerprints.

MR. BURY: Q. I'm not....

A. I never.

Q. I'm sorry, I'll wait.

A. And he got charged -- the police charged him while I was in the hospital, and then, I never ever, like in that incident, he couldn't come to the house with restraining orders, but he had the contact. He brought me the letter. He said, I took out from the house \$500,000.00. I ruined your parents' immigration. He tricked me, and then, he gave me that letter and said: "You have to drop the charge." I said, I didn't talk to the police to drop those charges, but I signed that paper because he said, I am going to take off that money which I have the evidence with the bank. He took off \$500,000.00.

THE COURT: Now, we're getting too far away from the answer to the question.

THE WITNESS: But that is my answer.

THE COURT: You've explained that you did not talk to the police, and they did not charge -- and you did not tell them to charge him.

THE WITNESS: They charged him, but it's withdrawn

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because he got the signature on the letter.

MR. BURY: I'm not talking -- Your Honour, I'll try to rephrase it to keep it simpler.

THE COURT: Thank you.

MR. BURY: Q. I'm not talking about back in 2012.

A. Okay.

Q. Do you understand that much? I'm talking about 2018.

A. But you're mentioning 2018. Why didn't you say, that's withdrawn.

Q. Can you let me finish?

A. I told them whatever happened.

Q. Now, you're interrupting me. I'm trying to be fair to you. Please be fair to me. I'm not talking about 2012 and how it got withdrawn back then. We know it did. That's clear. What I'm suggesting is, after you initiated the 2018 charges -- do you understand me so far?

A. Yes.

Q. So, between that date and today's date, at no point did you tell anyone: "Hang on. Those charges were previously withdrawn." Correct? You didn't tell anybody?

A. Whoever I talk, I tell the truth. Like I said, he brought it, and it's never charging. He never like got it. Like, how am I going to explain? It's withdrawn, word, or it's like he never get charged because I signed the paper.

Q. My question again....

A. And then, if it's withdrawn, it's withdrawn in the summertime.

THE COURT: But you're not answering Counsel's questions. Did you tell anybody?

THE WITNESS: I didn't tell, probably, the withdrawing, but I explained how -- like, the case

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was closed because he gave me the letter to sign it. Probably, I didn't use the withdrawn.

MR. BURY: I'm going to leave that point for submissions, Your Honour.

THE COURT: Well, I think her answer on the last part was, she didn't tell anyone the charges were withdrawn. She didn't use that word, but she told them the circumstances.

MR. BURY: I believe her evidence is she described the circumstances.

THE COURT: She described the circumstances.

MR. BURY: But she did not -- I'll leave it for submissions what actions or inactions that took place.

THE COURT: Okay.

MR. BURY: Q. With respect to those 2012 charges, you've described certain actions. I am not going to go there because those charges are not before the Court. You'd agree with me, you provide statements back in 2012, your own letters, and I'll show them to you, indicating that you never made any allegations of physical abuse with respect to 2012?

A. He made that letter. He asked me to sign it.

Q. I'm going to show it to you, to be fair to you. If I may approach, Your Honour?

THE COURT: Yes.

THE WITNESS: Thank you.

MR. BURY: Q. You can have a look of those two. Let me know when you've done reading it, please.

THE WITNESS: My Honour, this is the letter I signed it.

THE COURT: You're holding a letter in your left hand?

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THE WITNESS: Yes. This is my signature.

THE COURT: You're holding another letter, yes.

THE WITNESS: There is, in the Family Court, there is lots of fraudulent documents. He is just scanning my signature. I've never seen this letter before.

THE COURT: You're holding up a letter.

THE WITNESS: I need like the original copy. I never signed. This is my signature, I agree. This is my first time I'm reading this.

MR. BURY: Q. Can you please indicate to us, which letter you agree is before us?

A. I remember I signed this letter.

Q. So, sorry.

A. Can I read it?

Q. Can you show me it first so I can know which one you're referring to?

A. This is my first time seeing this letter.

Q. This is....

A. This one, the police has.

Q. Yes.

A. And this one, nobody has it. This is my first time I'm seeing it.

Q. Well, actually, it's been disclosed to me by the Crown.

A. By the Crown?

Q. Let's slow this down to be fair to Her Honour. She has to understand what I'm referring to.

COURT REPORTER: Could you please speak up?

MR. BURY: Sorry.

THE COURT: Keep near to the microphone.

MR. BURY: Q. I'll go back to my own for now and

I'll come back. Let's slow things down because we all have to keep track what document we're talking about.

The first document disclosed is one that appears to have a date stamp of 2012. I can't make out the month, but it's the 6th of something 2012. I'll read it out. I'll save you the reading. It indicates:

To Whom It May Concern, I, Sheida [last name], hereby like to make the following statement regarding the assault case against my husband Mr. Radmehr. On November 22nd, 2012, when I called my friend Ms. Mariam Ali Beghari (ph), I was deeply sad and confused. I was looking for someone to talk to and needed sympathy. I never made any allegations of physical abuse against my husband, and have made this clear on several occasions.

This letter, you agree you wrote?

A. I didn't wrote it. He print it. He put it to me. He said, he took the money. He's going to make all the line of credit empty, and he's going to go to Costa Rica if I don't sign this letter.

Q. I see.

A. Okay.

Q. This letter, you signed?

A. I signed it, yes.

Q. Right, okay. This letter, you gave to the Crown or Victim Witness?

A. I didn't give that letter to the Crown. They have it, I believe from -- I don't know who gave it. I didn't give it to the Crown.

Q. So, your evidence is, you never gave this letter....

5 A. I don't remember, Mr. Bury. I don't remember. But I know, like the Crown or police -- I don't remember how they get it. I don't remember if I give it or -- I don't remember that, but I remember that letter from the family case you send it to with the affidavit.

Q. You have no idea how the Crown got this letter?

A. I have -- like, I don't know.

10 MR. BURY: If that letter can be made Exhibit 1, Your Honour?

THE COURT: Yes, Exhibit 1.

MR. BURY: I'll hand it up to Madam Registrar.

EXHIBIT NUMBER 1: Letter dated in 2012 -- produced and marked.

15 MR. BURY: Q. The second letter, I'll read out so we can identify it. This one, the date is a bit clearer. December 28th, 2012.

20 Further to my initial statement regarding the alleged assault case on November 22nd, 2012, against my husband Mr. Radmehr, please note that I do not remember having told my friend Ms. Mariam Ali Beghari that my husband physically assaulted me in any form or shape. I suppose this is what she may have assumed on the fact that I did have a verbal argument with my husband the night before in conjunction with a stressful situation that she had to face in having to handle two infants in distress. I feel that she handled the situation quite well based on what she thought was the right thing to do, namely, notify the paramedics immediately.

30 This letter, is that your signature on the letter?

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A. That is my signature, yes.

Q. This is a letter you signed; correct?

A. No, I never signed it. This is my first time I'm seeing. Like, his other documents he's providing to the Family Court with my signature and the current situation.

Q. Your evidence is that you did not author this letter?

A. This is my first time I'm reading that letter.

Q. Okay. Your evidence is, though, that is your signature; correct?

A. That is my signature, yes, correct.

MR. BURY: For that limited purpose, Your Honour, I'll make it an exhibit subject to the limitations.

THE COURT: Exhibit 2, yes.

THE WITNESS: So, if it's like that, why he told in 2012, to the police, he really choked me?

MR. BURY: Q. I'm sorry, are you asking me a question? I'm sorry, I can't answer questions.

THE COURT: Thank you. Exhibit 2.

EXHIBIT NUMBER 2: Letter dated December 28, 2012 - produced and marked.

MR. BURY: Q. Let's talk about the 2018 charges that are actually before the Court, the cell phone incident. Let's start with that.

A. Sure.

Q. You've testified, and you may not appreciate this yet, but you provided two slightly different versions of the same event in your evidence in-chief?

A. One second.

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE WITNESS: What do you mean by that, Mr. Bury, like, in two different...?

THE COURT: Well, you provided two...?

MR. BURY: Q. Two slightly different versions of the same incident in your examination in-chief.

THE COURT: Today?

MR. BURY: Q. Yes.

A. Which two different examinations?

THE COURT: Let him explain.

MR. BURY: Q. I take it, you'd agree with me that he did not push you to the ground, that's clear, by the washroom?

A. He just -- like, he just rushed aggressively. He wants to give it, no. I went back, and I slide down myself because I want to hide my phone.

Q. Right. You agree with me, he never pushed you, right, to the ground?

A. He didn't push me.

Q. Right.

A. He just -- like, he just -- he wants my phone, but he rushed me aggressively. He wants my phone. He didn't push me.

Q. This isn't the first time you have tried to provoke him by videotaping him; correct? You've done this a few times when things turn into arguments at home; right? You videotape things with your phone?

A. Like you mean, this is the first time?

Q. No, no, before. We've heard. I think you've agreed back when you had the incident with the mother-in-law.

A. This was the first time I was videotaping, yes, because he was always after fights denying and blaming me. I said this; you said this; or I didn't do this. Just to show how many things he brokes.

Q. Well, I'm going to suggest....

A. And then....

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Q. Sorry, I'll wait until you're done.

A. And then, I video record his mom incident too, yeah, because my kids were sick. I didn't know they are home, and then, she called me bad words. Yes, I was video recording that too.

Q. My suggestion, original suggestion was, and I think you've now answered it correctly is, this wasn't the first time you tried to video things when there was an argument; correct?

A. With him, it was my first time.

Q. If I were to suggest you tried to do the same thing in Mexico which you told the police about that....

A. I didn't video record.

Q. I see.

A. I took the picture.

Q. I see. You're taking pictures of him?

A. Not him. From my bruised eyes when he put the cell phone in my eyes when we didn't hear to open the door.

Q. So, if I were to suggest again that you were just trying to start an argument back then, back with the mother-in-law, back with this by sticking cell phones at people, would you agree or disagree with that suggestion?

A. What do you mean, sticking something?

Q. You start arguments by trying to videotape people as arguments get bad?

A. What video? No, that's not true. I don't videotape people. Yes, I did -- so many voice recording in that two weeks from May 23rd to June 9th because he was just denying the stuff. I was tired. Like, he was blaming me. I just want to show him like -- he doesn't believe me. You said this. You did this. That's why.

But yes, in Mexico, I took a picture from my eyes

because it was the whole bruise.

Q. I'm going to suggest to you, that did not result in criminal charges either; correct? That incident in Mexico also did not result in criminal charges?

5 ... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE WITNESS: Because it was out of Canada, but I had the pictures.

MR. BURY: Q. Right, and no one in Mexico charged him either; correct?

10 A. I didn't go to anybody in Mexico.

Q. Right.

A. I was sleeping with my kids because we didn't hear his knocking the door. He got upset, and he pressed my cell phone in my eyes.

15 Q. Let's talk about the uttering threats charge. The comments about burning the house because again, we've heard two different explanations from you, or two different versions in your evidence in-chief. You testified, and you'd agree or disagree with me that he said, if you proceed with a divorce, one day or whenever, all the money will end up being burned up, spent
20 on lawyers. You said that today; correct?

A. He said the last day in June 9th, he changed all his word, and he said, I never said like, I'm going to burn the house with you. I said, I'm going to burn the money of the
25 house. Spend on the lawyers, but I'm not going to give you. But for the two weeks, he was like screaming. If one day you want to get divorced, I'm going to burn this house even if you and your kids is inside.

30 Q. Right. You'd agree with me that despite -- and you were afraid, I take it?

A. Yes, for sure.

Q. Yes. He alleged -- you alleged he said he

would burn the house down with you in it, the children in it. I take it, you would agree with me that you slept in that house for the next three days; correct?

A. Yeah, but I was cold, sweating in the nighttime. He said to me, if I get divorced, if I apply for divorce -- not like if I'm sitting down there, and he's going to burn the house. He said, if I apply for divorce, he's going to burn the house.

Q. Well, I don't believe that's your evidence but that's for submissions later. I take it, you'd agree with me, you thought this was a serious threat?

A. I....

Q. Yes or no?

A. If I get -- if I apply for divorce, he said, he's going to burn the house.

Q. Well, that's not, I believe, what you originally said, but I'll leave it for later.

THE COURT: Well, let's go back.

MR. BURY: Let's rewind.

THE COURT: I have my notes from when she was telling the incident. Fight started May 23rd, and two days' later, and I have, he was screaming, wishing my parents dead. I told him, I was getting a divorce. Enough is enough. He said, if you get a divorce, I will burn the house with you and your kids. He said that many times in two weeks.

MR. BURY: Q. Right. So, my point is, this wasn't something he -- that's something you said you would do. It wasn't a future promise. You said, I'm getting a divorce?

A. He said if I get the divorce, if I act, like for the divorce, he's going to burn the house. I was scared. I had fear. Like, enough is enough for me, whatever he did, all

the abusing, but I was afraid because he said, if I apply for divorce -- if I get divorced, he's going to burn the house, even I am and the kids inside.

Q. That wasn't my point. My point was, you said, I am getting a divorce; right?

A. At that moment, I said, I am going to -- enough is enough. I am going to get divorced if -- and he was repeating. Like, he was repeating in two weeks. Like, I didn't want to tell like, I'm going to get divorced, like, because I was afraid.

Q. And I'll leave it for submissions. Your evidence, then, is, he didn't just say it once. He was saying it a few times during that time period, those words?

A. He was just saying, like he was saying, do you want the house, like half of the house, the money of the house? If you apply for the divorce, I am going to put the house in the like, fire.

Q. Your evidence now is, not just once, but several times?

A. A few times, yes...

Q. A few times now.

A. ...he told me.

Q. Let me just summarize. It's now a few times. You said....

THE COURT: Well, she said a few times earlier, too, Mr. Bury.

MR. BURY: Well, I'll check my notes.

THE COURT: Well, I just read it out. He said it repeatedly over two weeks leading up to June the 9th.

MR. BURY: Q. Right.

A. In June 9th, he told me he's not going to burn

the house, the money of the house. He changed it.

Q. Right. For that duration of time, and we agree it was more than once, Your Honour. Both, and you, agree it was more than once. You did not move out with the kids; right?

5 A. Because I didn't get divorced. I didn't apply for divorce.

Q. You did not move out with the kids? It's a "yes" or "no".

A. No, I didn't.

10 Q. You did not go stay with any relatives with the kids?

A. No.

Q. You did not contact any friends to have come stay at the house?

15 A. He said, if I apply for the divorce, he's going to burn the house. Like, he didn't say, I'm going to burn the house. Like, if you apply for divorce, I'm going to burn the house. I have the fear if I go apply, like to get divorced, that he's going to -- when he get mad, he lose it. Like, if you apply
20 for divorce, I'm going to burn the house. I don't get like, your point.

Q. You didn't have any relatives come over and stay with you...

A. No.

25 Q. ...during that time?

A. No.

Q. And you didn't contact the police immediately?

A. No.

30 Q. And as a result of these charges, you got him out of the house; correct?

A. Sorry?

Q. As a result of the charges in June....

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A. What I got him out of the house?

Q. Because he had -- you contacted the police, so because of you initiating the charges, you got him out of the house?

5 A. In June 9th when I came home -- I need explanation for June 9th, My Honour.

THE COURT: All right.

MR. BURY: Well, I guess my position is....

THE WITNESS: I went....

10 THE COURT: As a result of these charges, you got him out of the house?

MR. BURY: As a result of the charges....

15 THE WITNESS: No, I went to the police to get advice. One of my friend called me. I was shaking. I called the Yellow Brick House on June 9th, and they said, you have to call the police. I said: "I'm not going to call the police." My friend called me and said, Just go to the station. We have a family friend by the police name Amir. He's the Persian language. Just go talk to him. Get advice. You don't have to report.

20 When I went June 9 to the station and I asked for Amir, they said, he's going to start the shift at 7:00 o'clock. And I said, it's okay, I'll be back. But the police, I don't know like, how they find me. Said we paged another Persian police to come. You just stay.

25 Then, when I talked to them, they said, it's out of my hand. I was begging them, don't charge him.

30 Just call him. Just call him to talk to him.

Just, probably, if I just apply for the divorce, he's going to like -- like, the police talked to

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him to scare him. Just, he's going to think twice. Okay, police here, but I didn't go to charge him. But the police told me, it is out of my hand. I just went for advice.

5 THE COURT: Thank you.

MR. BURY: Q. So, it's your evidence today, you had no desire to have him charged?

A. No.

Q. You had no desire to get him out of the house?

10 A. No. I just went to the police station to get advice. The police, in one way -- like, the Persian police probably talked to him. If he gets mad, angry, he thinks twice. Like, the police knows.

Q. This isn't the first time you contacted the police with respect to your husband; correct?

15 A. Yes.

Q. You know what happens when you contact the police with an assault allegation; correct? People get charged. You knew that from experience?

20 A. I went for the advice. I was begging. If you call the police from there, I was begging them, please call him to come to the station and just talk to him. And they said, it's out of my hand.

Q. It's a simple question. This wasn't the first time you were having contact with the police, both respect to him and other partners. You knew going to the police with domestic assault....

30 A. The other partner was different. He was father of my two kids. He was my husband, and in my culture, it was very different. He is father of my two kids. Like, I didn't want him to get charged. Yes, I want to get divorced. Like, I couldn't take it anymore, but I didn't want he gets charged.

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Q. Are you done?

A. Yes.

Q. So, my question, I'll repeat it again. Having had your prior experience with the police, and specifically your husband, you knew that going to the police would likely result in charges?

A. You mean before my husband?

Q. No, your husband. You've contacted the police before with respect to your husband; right?

A. In 2012, I didn't contact with the police.

Q. There were charges.

A. I didn't contact the police. The ambulance took me from the house, and the police involved. My friend called the ambulance, 9-1-1, and they saw the marks, and the police involved, but I didn't tell to the police anything in the hospital.

Q. That was the time that you tried to overdose; correct?

A. What do you mean overdose?

Q. The paramedics. They took you to the hospital because you had overdosed on drugs?

A. That's not true. I took the ventrilene (ph) to sleep. I called my friend Mariam. I said, last night I couldn't sleep. This happened, okay. I cannot see this finger prints in my neck. Please come and help me with the kids. I sleep for a few hours, and I took the ventrilene.

Q. Well, I don't know what that is, but you took too much of it...

A. No, I didn't take too much of it.

Q. ...because you ended up in the hospital. You ended up in the hospital.

A. I ended up in the hospital because I fainted.

I was shaking. I didn't end up to hospital because of that.

Q. So, if I were to suggest to you that you ended up in the hospital because of that overdose, you'd agree or disagree with me?

A. I didn't overdose.

THE COURT: How is this relevant? How is it relevant, Mr. Bury?

MR. BURY: It's not. I'm not going deeper into it, Your Honour. I'm just -- because she went back to 2012.

THE COURT: Well, you put to her that she knew that going to the police and that she'd done it before and that she'd done it with respect to your client before, and she was explaining again that in 2012, she did not go to the police about her husband. She did not make allegations against him.

THE WITNESS: And I didn't tell to the police anything in the hospital.

THE COURT: I think it was responsive to your question, but we're getting too far astray with respect to the visit to the hospital.

MR. BURY: Q. That's fine. So, just to be clear, prior to these charges, you never spoke to the police about your husband?

A. Sorry?

Q. Prior to these charges that are in Court today....

A. You mean these charges, you mean that day?

Q. The reason we're here today....

A. Okay, one second.

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE WITNESS: Oh, 2018 you mean?

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MR. BURY: Q. Right.

A. Okay.

Q. So, is it your evidence that prior to these charges, you've never spoken to the police about your husband, and allegations against your husband?

A. Like, what allegations about my husband?

Q. Any, any.

A. It happened -- I don't remember when, but I believe that time, we had a fight, and I took the passport. It was a few years ago. I don't remember exactly when. We had a fight, and at home, yes, I called the police, but they just gave the advice at home. Like they said, don't talk. I don't remember exactly, but I didn't -- allegation...

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE WITNESS: It's not like, no, not allegation, no. I just called the police because he made a big deal because I had the kids' passport, but that's about a few years ago.

THE COURT: I don't know if this is a good time for a break or not, Mr. Bury.

MR. BURY: I think with the Court's indulgence, I may be almost done if that helps, Your Honour.

THE COURT: Okay.

MR. BURY: Q. I take it, you'd agree with me that your marriage has not been a happy one since 2012?

A. No, not really.

Q. Apart from what we say are false charges, and I believe you've alluded to this, the police also attended at your residence on January 26th, 2013. That was that passport incident. Do you remember that? You've already told us a little bit about that.

A. I don't remember when was it.

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Q. 2013. Can we agree on that?

A. Okay.

Q. I believe you've testified your husband contacted the police; right, or you contacted the police back in 5 2013?

A. I don't remember, Mr. Bury.

Q. I'm going to suggest that the reason -- this was yet another incident -- was that you had ripped up a cheque. Do you recall doing that?

10 A. I ripped up the che -- I don't remember why that happened.

Q. I'm sorry, is your answer, you don't remember why it happened, or you agree that you ripped up the cheque?

15 A. There is so many, so many things was going on in my life. I go forward for my kids. I was blocking so many of his abusements. I, probably -- like, the ripped cheque, I don't remember about what, but his main issue always was about the money stuff. I don't remember now about like -- I remember about the passport like things, but I don't remember....

20 Q. So -- sorry, let me know when you're done.

A. Okay.

Q. So, you don't remember ripping up a cheque in front of him.

A. I don't remember.

25 Q. Do you remember hiding the children's passports?

A. Not hiding. I took them.

Q. Okay, you took them. And you hid them. Do you agree or disagree?

30 A. Yes, I hid them because when he gets very mad, he rip the stuff. He broke the stuff. I was afraid.

Q. Well, my suggestion made to you earlier was

that you were the one doing the ripping on this date, the cheque.
Do you agree or disagree with that?

A. I don't remember, Mr. Bury.

Q. I see. And I'm going to suggest that all of
5 these incidents, keeping in mind that he has no criminal record,
all of these incidents....

THE COURT: Oh, Mr. Bury, that's very
inappropriate.

MR. BURY: Q. Sorry, I was going to ask it
10 differently. You are aware he has no criminal record; right?

A. Sorry?

THE COURT: I'm not sure that that's appropriate
either, putting your client's record through the
witness. I really don't think that that's entirely
15 appropriate. In any event, I will disregard it,
and ask your question, please.

MR. BURY: Thank you, Your Honour.

THE COURT: She does not remember ripping the
cheque.

MR. BURY: Q. Right. You'd agree or disagree with
20 me that all of these incidents, I'm going to suggest, have been
you trying to provoke him into an argument. Do you agree or
disagree with that?

A. Provoke?

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE WITNESS: No, that's not true.

MR. BURY: Q. I'm going to suggest, similarly,
that all these videotapings, audio recordings, videotapings with
your phone have been done by you to try to provoke him. Do you
30 agree or disagree with that?

A. You mean I was video record him through....

... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

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THE WITNESS: Oh, you mean like I was video recording to make him mad?

MR. BURY: Q. That's my suggestion.

A. No, that's not true.

5 Q. And I'm going to suggest that none of these incidents we've heard about today happened?

A. Sorry?

10 Q. I'm suggesting to you that everything you've told us today didn't happen in the way you've described. Would you agree or disagree with that?

A. It happened. Like, it happened. I don't know, do I have to say, I agree? If I disagree.

THE COURT: He's saying that it didn't happen.

THE WITNESS: No, it didn't happen.

15 MR. BURY: Q. No, I'm saying, it didn't happen the way you described it. Would you agree or disagree with that?

A. No, it happened the way I described. It happened the way I described.

THE COURT: Yes, I understand your answer.

20 MR. BURY: Q. I understand it too, thank you. And lastly, when he was being arrested, he was arrested -- sorry, one question before that. All of these discussions we've heard about were not taking place in the English language. They were taking place in the Farsi language; correct? The arguments, the alleged argument, the alleged words. This was all in Farsi; right?

A. Yeah, yeah.

Q. That's the language you use normally at home?

30 A. Yeah. Like sometimes, it's just probably it's by habit, some vocabulary, just using, but it's mostly we talk Farsi.

Q. But specifically, the allegations you've made with respect to the house, that was all in Farsi; correct?

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... INTERPRETER ASSISTS WITNESS WITH TRANSLATION

THE WITNESS: You mean our fight was in Farsi?

Like, everything, yeah.

MR. BURY: Q. Yes, yes.

A. Yes.

Q. It's simple. Thanks. And lastly, he was arrested and taken from the family home; correct?

A. Yeah.

Q. Would you agree or disagree with me that as he was handcuffed and led away, you were smiling at him?

A. They didn't put the handcuff in front of me. They didn't put -- they just -- police came. They told me, I stay in the driveway, and they didn't put handcuff. They just -- two police walked in front of the car, and they said, you can go inside. I didn't see they put the handcuff.

Q. Okay. So, you've dealt with that part of the question. You'd agree with disagree with me that you smiled at him as he was being led away by the police?

A. I didn't even look at him. I didn't even let the police -- like, the police was like, in two side. Why I have to make a smile when I was shaking and I was so scared, and the thing just happened. No, I disagree.

MR. BURY: Thank you. I have no further questions, Your Honour.

THE COURT: Thank you. Do you have any re-examination, and if so, is it brief?

MS. DENISOV: No, Your Honour.

THE COURT: No re-exam. Thank you very much. You're free to go, or you can stay in the courtroom if you wish.

THE COURT: It's time for the morning recess.

... WHEREUPON OTHER MATTERS ARE SPOKEN TO

THE COURT: Back to Mr. Radmehr's matter.

MS. DENISOV: Your Honour, that was the only witness for the Crown.

THE COURT: Okay, thank you.

MR. BURY: Thank you, Your Honour. I'm going to call Mr. Radmehr to the stand.

THE COURT: Okay.

MR. BURY: He will not require an interpreter that's here.

CLERK REGISTRAR: Please step into the box and remain standing for a moment.

MR. BURY: I believe he is affirming if that assists, Madam Registrar.

CLERK REGISTRAR: Do you prefer to...

MAHYAR RADMEHR: Affirm.

CLERK REGISTRAR: ...affirm. Please raise your right hand.

MAHYAR RADMEHR: AFFIRMED

CLERK REGISTRAR: Please state your name and spell it?

THE WITNESS: My name is Mahyar Radmehr, M-A-H-Y-A-R, R-A-D-M-E-H-R.

CLERK REGISTRAR: You may be seated.

EXAMINATION IN-CHIEF BY MR. BURY:

Q. Thank you, Mr. Radmehr. I remind you to keep your voice up nice and loud, please, and if you need a glass of water, we'll have one for you there to clear your throat.

Mr. Radmehr, I understand you're born July 27th, 1974?

A. That's correct.

Q. And I understand you came to Canada in 1995?

A. That's correct.

Q. I understand you're a Canadian citizen?

A. That's right.

Q. I understand you have no criminal record?

A. Yes, that's correct.

Q. I understand that you are employed as a diesel mechanic for CN Rail?

A. Yes.

Q. How long have you worked there?

A. Since August of 2017.

Q. I understand now you're on a medical leave of absence due to issues with sleep and stress?

A. Yes.

Q. I understand that medical leave of absence is until August or thereabouts?

A. That's as per doctor's note, it is.

Q. I understand you now reside at 174 Denise Circle in Newmarket?

A. That's correct.

Q. You reside there with your mother and your siblings?

A. Yes, my brother. My sister lives on her own.

Q. The matrimonial home, we've heard is 29 Woodhaven Crescent in Richmond Hill?

A. Yes.

Q. I understand you have two daughters with your spouse, Melena and Mana. Is that correct?

A. Yes.

Q. They're 7 1/2 and 10 years old respectively?

A. That's correct.

Q. I understand you were married to the

Complainant on July 7th, 2007?

A. That's correct.

Q. I understand Farsi is the language ordinarily spoken at home?

A. That's correct.

Q. I understand you separated from your spouse last June?

A. Yes.

Q. That was after the allegation and family law proceedings started after that?

A. Yes.

Q. There were a number of motions that took place, and the matter is ongoing?

A. That's correct.

Q. With respect to the process, I understand that the matter will be going to trial in the fall sometime?

A. I guess.

Q. At this point, it's not resolved?

A. Yes.

Q. May I borrow the charging document, Your Honour?

THE COURT: The Information?

MR. BURY: Q. Yes, sorry. Just so I'm accurate in what I say. Now, I want to take you back to May 23rd, 2018, and there are two counts before the Court. Count 2 reads: On or about the 23rd day of May in the year 2018 at the Town of Richmond Hill, in the Regional Municipality of York, did commit an assault on, I'll just call her your spouse for now. You're aware of that charge. That's the one that you've plead not guilty to today. Is that correct?

A. Yes.

Q. Did you at any time assault your wife on that

date or any other date?

A. No.

Q. I'm going to read the second count that's before the Court between the 23rd day of May in the year 2018 and the 25th day of May in the year 2018 at the Town of Richmond Hill, in the Regional Municipality of York, did by word of mouth, knowingly utter a threat to cause death to Sheida, your spouse, Mana Radmehr and Melena Radmehr, your children. Did you ever make such a threat?

A. No, I did not.

Q. Did you ever make such a threat on any of those days as set out in the Information?

A. No.

Q. With respect to the assault allegation, did you in any way push your wife down against that wall?

A. I did not, no.

Q. Did you hold her down against that wall?

A. No.

Q. With respect to the threats to burn the house down, is that something you'd even consider?

A. No.

Q. I take it, you love your children dearly?

A. Very much so.

Q. And you're having access with them now pursuant to a family law order?

A. Bail.

Q. With respect to, or we've heard a lot or a little bit about video recording, audio recording, by your spouse. Can you explain to us the background of that in your own words? I don't want to put words in your mouth.

A. Well, we've had arguments now and then. Most of the time, I knew I was being recorded. I just didn't care.

It was not an isolated incident, so there are many recordings, many incidents that were recorded by my ex-wife.

Q. I guess I'm not familiar with that form of arguing, but do you have any understanding of why the recording was taking place?

A. Obviously, I don't know. I, often times, thought that she was very insecure. Every now and then when there was an argument, things were said from her side, and again every now and then, I would return the favour by, perhaps, getting angry or other profanity. When I would start, normally, the recording would start with that.

Q. Is it fair to say the marriage is at an end now?

A. Pardon.

Q. The marriage is at an end?

A. Well, it was never -- it never should begin with, but primarily, my main concern were the kids.

Q. Now, I understand the other charges on the Information were previously withdrawn, but with respect to the charges that remain, I understand that you were offered a peace bond on these charges. Is that correct?

A. That's my understanding.

MS. DENISOV: Your Honour, I'm not sure how it's relevant.

THE COURT: Neither am I. Thank you.

MR. BURY: Q. I'll leave it then, Your Honour. What was your wife's response, if any, upon your arrest at the household?

A. We never had any contact after that.

Q. When you were arrested, but happened?

A. I was escorted physically out of the house, and she was basically right there waiting to go in after I was taken

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into custody.

MR. BURY: Thank you. I have no further questions.

I will return the Information, Your Honour.

5 CROSS-EXAMINATION BY MS. DENISOV:

Q. Good morning, sir.

A. Good morning.

Q. Or good afternoon at this point.

A. Good afternoon.

10 Q. Sir, when is it that the marriage sort of
deteriorated in your view?

A. Probably, a couple of years after this stretch.

Q. A couple of years after what, sorry?

A. A couple of years after we got married.

15 Q. I'm going to take your specifically to May
23rd, 2018. Can you recall that date?

A. I cannot relate anything specifically to that
date, but I could -- easier your comment if you mention an
incident rather than the date.

20 Q. Do you recall having an argument that day about
some cookware?

A. I do remember we had an argument. The cookware
argument was one of the many arguments we had, but that wasn't
the result as it was described in the charges.

25 Q. Did you or did you not throw the cookware out?

A. Yes, the cookware we had, we had several sets.
The cookware specifically referred to was purchased by my ex-
wife's -- like, my in-laws. They were a few years old, and I did
dispose of them in the garbage can, yes.

30 Q. I suggest to you that your wife -- I have a
very hard time pronouncing her last name as much as I try, so
I'll call her Sheida.

A. Okay.

Q. Did Sheida approach -- I take it that she approached you and was upset about the fact that you threw the cookware out?

A. That's correct, yes.

Q. When she got upset, you also got upset, and this ended in an argument?

A. Yes.

Q. I take it, there was yelling back and forth?

A. You could say that, yes.

Q. I take it that profanities were used?

A. Not regarding that incident, no, but every now and then, yes, some arguments included that.

Q. So, while this argument is happening, as you said previously to counsel, your wife, she would sometimes take out recording devices and record you?

A. Sometimes, I would be knowingly recorded; sometimes unknowingly. Like, some of the stuff that was submitted as evidence, I have no idea they existed, but sometimes, yes, I was aware that I was being recorded.

Q. On this occasion, you knew you were being recorded because she had her phone out in front of her?

A. Yes.

Q. Now obviously, as you have indicated, for many years before this incident or this date, the relationship had been toxic; right?

A. Not all the time, but yes, you could -- overall, it wasn't a happy relationship.

Q. It's fair to say that by this point, you've really had enough of the situation; right?

A. I can't really say that.

Q. You weren't upset that for years, the

relationship was going downhill?

A. Well, towards the end of the relationship, I was -- our life was -- I was minding my own business, and she would mind her own business. Basically, what was keeping me were my daughters. I just wanted to be close to them, and basically trying to avoid any confrontation as much as we could.

Q. But on this date, you did have an argument, a verbal confrontation?

A. I do remember we had an argument, yes.

Q. Sheida took out her phone to record you, and you saw that?

A. If you are relating to the phone grabbing incident, it wasn't on the day about the cookware. I was very clear about that.

Q. The phone grabbing incident was on another day?

A. Yes, yes.

Q. What I'm interested in is the 23rd of May, so the incident with the cookware. Did she or did she not pull out her phone during this incident?

A. I don't -- as I said, I cannot relate anything specific to May the 23rd. This particular date has been known to me based on what I read from the police report on June the 9th. This is basically over the spring. I don't remember anything specifically on May the 23rd, but I do know that the phone grabbing incident was related to a different matter. Again, what date it was, I'm not sure.

Q. When you said, there was a phone grabbing incident, what are you referring to?

A. Well, there was an argument we had about her saying that she wants to move out with the kids, and the kids' travel documents were gone, basically, out of the house. I was very sensitive.

Q. Sorry, just one second. Let's just go back. She wanted to move out with the kids?

A. That's what she said, yes.

Q. What happened next?

5 A. I noticed the kids' travel documents were not there. Basically, the confrontation started from there where I asked for them. I was told, it's none of my business. Basically, that's where the argument started, and profanities were uttered both ways. I remember when I was provoked and I was
10 yelling I noticed that I was being filmed.

Q. All right. I take it, you noticed that you were being filmed because she had her phone in hand?

A. Yeah, I could physically see that, yes.

Q. All right. What happened after that?

15 A. I remember I asked her to stop filming, and I approached her, and I grabbed the phone off her hand.

Q. Now, I take it that all she was doing was filming, although I'm sure nobody likes to be filmed, but she didn't assault you or threaten you in any way; right?

20 A. No, she did not.

Q. She didn't take the phone and put it in your face?

A. She did not, no.

25 Q. When you said, you grabbed the phone out of her hand, how did you do that?

A. I grabbed the phone with one pull. That's, actually, what I remember the evidence that was submitted to Court is an edited video. After I grabbed the phone, it was still recording. I remember, I walk into the kitchen, and I was
30 holding her phone in my left hand with my hand stretched like this, and she was behind me trying to reach for the phone, and I was preventing her from doing that.

Eventually, after we cooled down, I give the phone back to her.

Q. Your position is that you never got on top of her to retrieve the cell phone...

A. Never.

Q. ...during an argument?

A. Never.

Q. In relation to the incident with the cookware where you got into an argument, how did that argument end?

A. I don't recall how that argument ended, but I remember there was yelling and screaming both ways, and perhaps profanities being uttered both ways.

Q. Now, when your lawyer was asking you questions, I believe you indicated that you never said that you would burn the house down?

A. No.

Q. You never said that in any kind of context. Is that your testimony?

A. Yes. I said in Farsi -- well, we have a saying that if you want to burn the equities, you say, I burn my money. This is something that I have used often times, and the meaning of that basically is to rather waste something as opposed to make use of something. But the allegation that I ever threatened anyone including my children is not true.

Q. All right. Your position is that you would essentially -- you would burn the money or the equity in the house?

A. That's correct.

Q. Have you said that you would burn the house down itself or just....

A. No. I think there was one occasion I said, I would burn myself, like myself, but that argument is probably

from December of 2017, shortly before my in-laws left back home. Not related to the dates or anywhere close to the date you're referring to.

Q. If I suggested to you that you made a threatening comment or you threatened to burn the house down with the children in it as well, what would you say to it?

A. It's completely false. I would never do that.

Q. In June -- my apologies -- in May of 2018, I take it your wife had spoken to you about wanting to get a divorce?

A. I don't recall that, but I do recall that I filed for divorce, not following up on it back in 2012. After my arrest, I also tried to file for divorce first which was delayed due to a requirement for a bail variation for communication purposes.

THE COURT: Sorry, did I understand you to be saying, you filed for divorce in 2012, as well?

THE WITNESS: In 2012, after 2012 incident, I did file for divorce without involvement of a lawyer in this very Court. I think the papers should still be retrievable. I have copies at home.

On June 13th, 2018, four days after my arrest, I did leave a retainer with a family lawyer by the name of Mr. Brian Sherman to file for divorce. He said, I have to get a bail variation which then was completed by Mr. Martin Herman, but by the time I got the bail variation, my ex-wife filed for divorce first. Again, the paper trail for that is available.

MS. DENISOV: Q. And you indicated you don't recall whether she told you that she was going to file for divorce prior to the incident?

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A. No, no.

MS. DENISOV: Your Honour, I do note the time.

Perhaps, I could be given a little bit of time to review my notes, and it is almost the lunch break.

THE COURT: Sure. We'll take the lunch break and come back at 2:15.

CLERK REGISTRAR: All rise. Court is in recess until 2:15.

R E C E S S

U P O N R E S U M I N G :

CLERK REGISTRAR: Order in Court. All rise. Please be seated. Court resumes.

MS. DENISOV: Your Honour, I have no further questions for the accused.

THE COURT: Thank you. Do we still need the interpreter?

MS. DENISOV: No. Or perhaps, I'm not sure. I shouldn't be answering that question. I'm not sure if the complainant would still like him here.

THE INTERPRETER: *[indiscernible]* question.

THE COURT: No? Okay. Thank you for your assistance, sir.

MS. DENISOV: Your Honour, perhaps, I'll go first at this point.

... SUBMISSIONS

R U L I N G

PIRRAGLIA, J. (Orally):

You have convinced me because he has been on bail for a period of one year without any breaches having been laid, I won't ask him to enter into a

Ruling

Charges are Dismissed

peace bond.

Ma'am, if you have some concerns, call the police or go through the Family Court for a restraining order. There are other mechanisms for you to get an order not to have Mr. Radmehr contact you.

I think it is clear to all the parties that it is very unfortunate because there are children involved, and at some point, you are going to have to reconcile your differences to the extent that you can both be good role models to your children. I am certainly hopeful that you will be able to do that so that the children do not suffer any more than they have already suffered as a result of the family disruption.

All right, sir, the charges against you are dismissed.

MS. DENISOV: Thank you, Your Honour.

MR. BURY: Thank you, Your Honour. Thank you for your patience.

THE COURT: Thank you, Ms. Denisov, for the way you've exercised your discretion in this matter.

MR. BURY: Thank you, Your Honour.

THE COURT: Yes, and you're all free to go. Thank you.

MR. BURY: Thank you very much.

THE COURT: Yes, thank you, Mr. Bury.

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Certification

FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))

Evidence Act

I, Wendy Ogaki,
(Name of Authorized Person)

certify that this document is a true and accurate transcript of the recording of

Regina v Mahyar Radmehr

in the

Ontario Court of Justice

(Name of Case)

(Name of Court)

held at

50 Eagle Street West, Newmarket, Ontario

(Court Address)

taken from Recording

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, which has been certified in Form 1.

(Date)

(Signature of Authorized Person)

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