

09 April 2001

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Judicial Conduct Committee  
The Canadian Judicial Council  
112 Kent Street  
Ottawa, ON  
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Dear Sir or Madame:     **Reference Her Majesty the Queen v. Jacques Leduc**

1. I understand that correspondence dated 04 April 2001 which I addressed to the Ontario Judicial Council regarding judicial misconduct has been forwarded to you because the two justices in question are judges of the Superior Court of Justice. I am therefore formally redirecting my allegations to the Chairperson of the Judicial Conduct Committee with the Canadian Judicial Council.
2. As a Roman Catholic and editor of *The Orator*, an Ottawa-based periodical published by and for Roman Catholics, I was in attendance for five weeks of the above referenced trial. Subsequently I am contacting your council to request an official investigation into what, I respectfully submit, was the judicial misconduct of the two judges who presided at that trial, Justice Colin McKinnon and Justice James Chadwick.
3. Jacques Leduc, a lawyer and, in the Roman Catholic Church, canon lawyer, was charged with 16 counts of sexual exploitation [s.151; s.153(1)(a) x 3; s. 153(1) (b) x 3; s. 212(4)] against three young males. The trial commenced in Cornwall, Ontario, 16 January 2001, before the Honourable Justice Colin McKinnon. Counsel for the Crown was Shelly Hallett. Counsel for the accused was Steven Skurka. Commencing 21 February 2001, a motion for stay was heard by Justice James Chadwick. A stay was granted 01 March 2001.
4. The said trial made a mockery of justice and gives credence to the growing public concern that we have a biased judiciary which sympathises with sexual predators and is predisposed to negate or minimize the mental, physical and spiritual damage done to young males who are sodomized and/or otherwise sexual molested. I respectfully submit that this will further deter the already reluctant male victims of sex abuse from coming forward, thus putting countless other young males at risk.
5. According to Justice Chadwick, the trial of Jacques Leduc was stayed due to “wilful” non-disclosure of the Crown. I respectfully submit that the charge of “wilful” non-disclosure was attributable to the bias of the judges and was based solely on hearsay, speculation and theorizing. Furthermore, I respectfully submit that because of this judicial misconduct a suspected Roman Catholic paedophile is now at large in the Diocese of Alexandria-Cornwall.

6. **Justice Colin McKinnon** : Justice Colin McKinnon failed to recuse himself despite a grave conflict of interest. That said conflict stemmed from Justice McKinnon's extensive prior involvement with the Cornwall Police Service and its former Chief, Claude Shaver. With regard to the latter (Shaver), I refer specifically to Justice McKinnon's legal involvement regarding the 1993 actions of Constable Perry Dunlop and those of the defendant Jacques Leduc. I respectfully submit that, due to this serious conflict of interest and bias, Justice Colin McKinnon was predisposed to find Jacques Leduc, an accused paedophile, "not guilty" or to otherwise acquit him. Finally, I respectfully submit that the following conduct was demonstrative of Justice McKinnon's serious judicial misconduct and bias:
- a. Justice McKinnon did not recuse himself (ref: Appendix A para 1);
  - b. Justice Colin McKinnon removed himself from the motion to stay only after a witness confronted him with concrete evidence of his, McKinnon's, serious conflict of interest (ref: Appendix A para 2);
  - c. Justice McKinnon willfully attempted to feign ignorance of Perry Dunlop (ref: Appendix A para 3);
  - d. Justice McKinnon denied the victims their right to trial by jury (ref: Appendix A para 4);
  - e. Justice McKinnon permitted an application for stay to proceed which was based solely on the benign contact of a victim's mother with former Constable Perry Dunlop (ref: Appendix A para 5); and
  - f. Justice McKinnon allowed victims to be harangued on the stand (ref: Appendix A para 6).
7. **Justice James Chadwick**: Justice James Chadwick was allegedly brought into the trial by Justice McKinnon - *after* Justice McKinnon's integrity and credibility had been brought into question by a witness. I respectfully submit that the choice of Justice Chadwick was thereby brought into question, as was the integrity and credibility of Justice Chadwick. Furthermore, I respectfully submit that, for unknown reasons, Justice Chadwick was predisposed to grant the motion for stay. Furthermore, I respectfully submit that Justice Chadwick's decision to stay was indicative of an indifference to the serious damage done to young boys who have been and will be victimized by sexual predators. Finally, I respectfully submit that the following conduct was demonstrative of Justice Chadwick's serious judicial misconduct and bias:
- a. Justice Chadwick presided at the motion for stay (ref: Appendix B para 1);
  - b. Justice Chadwick refused to wait to have a key witness properly subpoenaed (ref: Appendix B para 2);
  - c. Justice Chadwick wilfully relied on hearsay and speculation to reach his verdict (ref: Appendix B para 3).;
  - d. Justice Chadwick made efforts to exonerate his fellow judge, Justice Colin McKinnon (ref: Appendix B para 4);
  - e. Justice Chadwick showed bias in opting against a mistrial (ref: Appendix B para 5);
  - f. Justice Chadwick's order to stay proceedings was based on an inconsequential and benign contact of a witness with Perry Dunlop (ref: Appendix B para 6).

8. In light of the actions of Justices McKinnon and Chadwick, one is left pondering what, in the eyes of our legal system is the greater crime? ...sodomy and sexual abuse of young males? ...or, contact, however benign, with Perry Dunlop? It seems that contact with Perry Dunlop, by a victim's mother, won this round. Barring an appeal, Jacques Leduc, an alleged paedophile, is now a free man. Barring an appeal, the victims are painted as liars who colluded and fabricated charges against Mr. Leduc. Barring an appeal, a distraught victim's mother has been found guilty for contacting Perry Dunlop. Barring an appeal, Perry Dunlop has been tried and found guilty — in absentia — for answering his phone. What does this all have to do with Jacques Leduc sodomizing and/or molesting and thereby destroying the lives of three young boys? Absolutely nothing.
9. Consequently, I respectfully request that your Council conduct an investigation into the conduct and behaviour of the two referenced judges. In a community rife with concerns of cover-up, the conduct of the two judges in question does nothing to allay those concerns, and, in fact, raises additional concerns of cover-up extending into the judiciary. With a number of Project Truth trials pending, tolerance of such judicial misconduct has serious ramifications and will raise genuine concerns regarding the selection of judges for all pending sex trials in Cornwall. Therefore, I respectfully submit that it is imperative that this investigation be conducted in a public and timely fashion.
10. Attached are three appendices which elaborate on the charges of judicial misconduct against Justices Colin McKinnon and James Chadwick, and provide a back grounder to contextualize those charges.

Awaiting your response, I remain,  
Yours truly,

(Mrs.) Sylvia C. MacEachern  
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Enclosures:  
Appendix A (Justice Colin McKinnon)  
Appendix B (Justice James Chadwick)  
Appendix C (Backgrounder)

CC:  
The Honourable Anne McLellan, Minister of Justice and Attorney General of Canada  
The Honourable David Young, Attorney General for Ontario  
Premier Michael Harris  
Shelley Hallett, Crown Attorney