

IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY
The Honourable G. Normand Glaude, Commissioner

IN THE MATTER OF an Application for Limited Standing for Part I of the
Cornwall Public Inquiry by Det Inspector Randy Millar

NOTICE OF APPLICATION FOR LIMITED STANDING

BARRISTERS

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O.P.P.

IN THE MATTER OF The Cornwall Public Inquiry

AND IN THE MATTER OF An Application for Limited Standing in Part I of the Cornwall Public Inquiry on behalf of Det. Inspector Randy Millar.

NOTICE OF APPLICATION FOR LIMITED STANDING

TAKE NOTICE that Det. Inspector Randy Millar of the Ontario Provincial Police (OPP) will bring an Application for limited standing with respect to Part I of the Cornwall Public Inquiry on Thursday the 28th day of August, 2008 at 709 Cotton Mills Street, Cornwall, at 9:30 a.m. or as soon as this Application may be heard.

THE GROUNDS FOR THIS APPLICATION ARE:

1. The applicant is an individual who has a direct and substantial interest in the subject matter of this inquiry.
2. The grant of limited standing will assist the Commission to fulfill its mandate.
3. The *Public Inquiries Act*, section 5.
4. The inquiry's *Rules of Practice and Procedure*, section 8, 9, 10, 24, 34, and 36.
5. The common law duty of procedural fairness.

IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING:

Background

1. The Applicant 52, has been a member of the Ontario Provincial Police since May 10, 1982 and has held the rank of Detective Inspector since May 2004, and deployed to the Criminal Investigations in Eastern Ontario.
2. The Applicant held the rank of Detective Inspector and Area Crime Sgt in both pre-project Truth and Project Truth Investigations. The Applicant became a Commissioned Officer (Det. Inspector) following the Project Truth Investigation.
3. The Applicant has been noted by Commission counsel as an O.P.P. Institutional Response witness.

4. The Applicant was involved as a Detective Constable in various matters including those related to the January 1992 homicide involving accused Travis Varley and witness Ken Sequin.
5. Further, the Applicant was involved, with others, in February 1993 in the search of the residence of Ron Leroux resulting in allegations against the Applicant and other O.P.P. personnel.
6. The Applicant was also involved, with others, in November of 1993 relating to the investigation into the sudden death of Ken Sequin.
7. Further, The Applicant was involved as the Area Crime Sgt in various matters including those arising in September 1998 relating to Jean Luc Leblanc, a convicted sex offender and other law enforcement personnel.

The Applicant has a Direct and Substantial Interest

8. Section 5 of the *Public Inquires Act* provides that a commission shall accord standing to a person that has a "substantial and direct" interest in the subject-matter of the inquiry. This test is incorporated into Rule 8(a) of the Inquiry's *Rules of Practice and Procedure* (the "Rules"). The Applicant meets the test of standing.
9. The allegations have harmed the Applicant's reputation in relation to his co-workers, friends, acquaintances and those in the community at large.

Ontario Provincial Police and Ontario Provincial Police Association may not/ may not appear to protect Applicant's Rights and Interests

10. The Commissioners' Ruling on Standing and Finding of November 17, 2005 accurately forecasted the Applicant's present situation at pages 11-12:

“...Before discussing my reasons in respect of each application, I must outline my concerns surrounding the possibility of conflicts arising within several of the applicant institutions. These conflicts may arise because certain applicant institutions are representing all components of the institution, including the institution itself, managers, employees, both current and former...”

“...Based on the information currently before the commission, it would appear that there is the

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potential for such conflicts to arise within each of the following applicant institutions...O.P.P....O.P.P.A....”

11. Furthermore, the Applicant’s evidence relating to protocols, procedures, opinions may be contrary to various O.P.P. personnel.

Assistance to Commission

12. The Applicant has received independent legal advice that counsel independent of the O.P.P. and O.P.P.A. is warranted a position concurred in by counsel for the O.P.P. and O.P.P.A.

THE RELIEF SOUGHT IS:

13. An Order granting the Applicant limited standing in Part I of the Cornwall Inquiry to:
 - (1) the opportunity to make submissions as to the Rules of Practice and Procedure;
 - (2) access to the relevant documents collected by the Commissions subject to the Rules of Practice and Procedure;
 - (3) advance notice of documents which are proposed to be introduced into evidence;
 - (4) advance provision of statements of anticipated evidence, if applicable;
 - (5) a seat at the counsel table;
 - (6) the opportunity to suggest witnesses to be called by Commission counsel, failing which, an opportunity to apply to the Commissioner to lead evidence of a particular witness;
 - (7) the opportunity to cross-examine witnesses on matters relevant to the basis upon which standing was granted; and
 - (8) the opportunity to make closing submissions.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 13TH DAY OF AUGUST,
2008.**

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