

5 comply, but I think we need to give the benefit of
the doubt to -- to Ms. Moore. I don't think she
would honestly tell us that she's going to comply
with that order and if she meant to otherwise. I
hope I'm not wrong about that and I think people
also learn from a period of incarceration
sometimes. I'm sure Ms. Moore knows very well she
doesn't want anymore of that, which must be a
10 terribly hard thing to have endured. So, we can --
we know that there's a medical history here. The
materials are before the court. I think I'm
cognizant of what those materials are having read
them. So I don't know, frankly, Mr. Karimjee, if
15 you have further questions for this witness, I
think that's fine. So you go ahead.

MR. KARIMJEE: Thank you, Sir.

THE COURT: I'm fine with that. Mr. Hale can still
have a further reply on that if necessary.

MR. KARIMJEE: Thank you very much, Your Honour.

20 THE COURT: Sure.

MR. KARIMJEE: Do you want me to go?

MR. HALE: Oh, yeah, you go ahead, sure.

MR. KARIMJEE: Thank you very much, Your Honour.

25 CROSS-EXAMINATION (CONTINUED) BY MR. KARIMJEE:

Q. So Mr. Monaghan, in terms of compliance with
the -- her indication that she would comply, what question did you
exactly -- how long did you spend on that topic with her?

A. On?

30 Q. On whether she would, you know, whether she
would com...

A. Comply to the non-contact order?

R. v. Moore
Patrick Monaghan - Cr-ex.

Q. ...yes?

A. I think I made it crystal clear to her, you know, going through finding out that, you know, it existed. That she was aware it existed. Whether she's accepting of it or not, you'd have to ask her of that. But she indicated that she would follow it. So, I mean, I told her what the consequences could be if she didn't, and as I said, that when I explained the John Howard Society criteria to her, I indicated to her that it was our job to follow her conditions of release while on bail to make sure that she's respecting those conditions to the best of our capability to do so. But I also stressed so clear that it is also our job to report any breaches of those conditions to Ottawa police.

Q. So will you -- my question again, is how long did you spend discussing this topic with her?

A. Well this subject I might have spent 10 minutes with her, but I was with her for a half hour for the, maybe about 35 minutes for the whole interview.

Q. Okay, so you spent 10 minutes of that on this topic, and what was her response?

A. Her response as I indicated. She was willing to follow the conditions of non-contact of the non-contact order.

Q. Did she protest or express some ambiguity about that?

A. She has her way of seeing it. I'm not really ready to go into what she said as it pertains to but she's willing to respect it.

Q. No, I'm interested in -- in -- in her way of looking at things?

A. Well, she didn't find it fair. She did indicate that she didn't really find it fair and that's about as far as I'll go on that. But I said to her whether you find it

R. v. Moore
Patrick Monaghan - Cr-ex.

fair or not, it's something you have to follow and as I indicated she said she was willing to follow it.

Q. You have reviewed the synopsis of the allegations?

5 A. To a certain extent, yes. I've been busy all morning. I'm trying to get through it, yes.

Q. And you are aware that -- that she basically said she doesn't recognize validity to the Family Court order?

A. Yeah, she did indicate that, yes.

10 Q. And she indicated that to you as well?

A. That's correct, yeah.

Q. And you are aware that she actually, it's alleged to have -- had broken a window in the residence and entered in it.

15 A. That would be in the synopsis?

Q. Yes.

A. I haven't read though the whole synopsis.

Q. Well were you aware of that?

A. I wasn't aware of that, no.

20 Q. And -- and she wrote on the wall, your father is very bad don't trust -- trust him.

A. I can only tell you what...

MR. HALE: That's not exactly what she...

25 MR. KARIMJEE: Q. Well your father's a liar and bad.

MR. HALE: ...I love you. Your father is -- I don't remember the exact words, but...

MR. KARIMJEE: Q. Is bad and liar.

30 A. I can only tell you during my interview, as I indicated, she -- she says she'll follow through on the 516 order and she understands as it pertains to the John Howard Society, what will be the consequences if we found out that she was not

R. v. Moore
Patrick Monaghan - Cr-ex.

following through on the conditions.

Q. And were you aware that -- did she express to you that there was conspiracy?

A. She did. She did indicate that the -- she felt
5 that there -- there is a conspiracy.

Q. And were you aware of the police chase in Quebec involving her similar ideas that the police were conspiring against her and chasing her?

A. Well, if you believe there's a conspiracy in
10 one instance there's probably -- it probably follows in other incidences. So it's something that I noted in my mind. I will note into the bail supervisor that there seems to be some mental health issues there and there seems to be some, you know, thinking that people are conspiring against her.

15 Q. And -- and as a bail super -- you are the head of the bail supervisors, right?

A. No, I'm not the head. That would be Sue Morse.

Q. Sue Morse.

A. I'm the person who does the interviews here.

20 Q. Okay.

A. Okay, gets as much information as I can from the lawyers, from the client, from the Crown prosecutor and then either finishing my interview with them, decide whether or not I believe that they -- they can follow the rules and regulations of
25 the bail supervision program.

Q. Do you have concerns given her -- her thinking that you also observed, you know, the conspiracy thinking and the rest, that you -- that despite her telling you that she'll abide the conditions, she may not. Do you have concerns about that?

30 A. There's always concerns. Everybody who comes into work each morning listening to the radio and reading the newspaper, you know, does not want to hear that somebody that they

might have helped be released, followed through and did something. Nobody wants to have that on -- on their conscience but as I said, during the interview, I explained to the best of my capability to do so, what the consequences could be, as it pertains to the John Howard Society, if she didn't respect their conditions. She appeared to be cognizant of the conditions that are currently imposed upon her, non-contact wise. She indicates to me that she's willing to follow the non-contact order. That she's willing to actively participate with the John Howard Society. That she's willing to follow all of the rules of the Lotus House Bail Bed Program. So based upon that, I'm satisfied that she's acceptable for our program.

Q. Okay and did she mention about, you talked about the no-contact provision, did you go through with her that she would stay away from the matrimonial residence?

A. Yeah, we did indicate that.

Q. Okay and what did she -- cause in the bail hearing she had contemplated going back to the matrimonial residence?

A. She indicated that she's worried about the matrimonial residence. She went into some indications that she was worried that her husband would burn the place down and that she would be accused of it. This when -- during our interview.

Q. She was worried that her husband would burn the place down?

A. That's exactly what she said during our interview. She's worried that the husband would burn the place down and that she would be accused of it.

Q. I mean, doesn't that cause you concern about -- about trusting her words? I mean she's...

A. What would cause me concern is if she said...

Q. ...she's depicting very paranoid thinking?

R. v. Moore
Patrick Monaghan - Cr-ex.

A. ...I guess what would cause me concern is if she said she would burn the place down, okay. I mean this is -- this is a family matter that's bigger than what I can see in a half hour period of time interviewing with her. As it pertains to
5 bail supervision, she indicated that she was willing to follow all the rules and regulations of our bail supervision program. She didn't indicate to me that she was willing to burn the house down. She was worried about the house. She's worried about her children. She's worried about a lot of different things.

10 Q. That's right.

A. Is it -- is it normal thinking? Is it paranoid thinking? That's not my expertise. That's not my field of expertise.

Q. That's right, it's not your field of expertise
15 and did she mention whether her children would be in the house while the husband would burn it down?

A. She didn't mention anything to that, no.

Q. So basically, you're taking what she says at face value?

20 A. I'm listening to what she has to say. I don't -- I don't see any reason to think that her husband would burn the place down, okay, I'm just indicating to you that that's one of the worries that she has in life.

Q. Doesn't it concern you that she might attend
25 there to protect her children or to protect her home?

A. We didn't get into that. She didn't indicate that, I've got to get out of jail because I need to go to the marital house. I need to make sure it doesn't get -- it's just one of the worries she has, okay. She didn't indicate that she
30 would do anything on that matter. Just worried that she -- one of the reasons she wanted to get out is to protect her interests, protect her children interests, get on with the planning of her

R. v. Moore
Patrick Monaghan - Cr-ex.

trial. She certainly has a hard time doing that from OCDC, which she indicated.

Q. Did she indicate to you how she intends to protect her children's interests?

5 A. Through the Family Court system. I think she's, you know, she's willing to...

Q. Did she say that?

A. ...yeah.

Q. Okay.

10 A. She needs to fight for that...

Q. She said that through the Family Court...

A. ...she needs to fight through what she's going through at the moment through the Family Court system. That's what she said she needs to do.

15 Q. ...okay.

A. She needs to get out to be able to put her affairs in order, to be able to, you know, get ready for her trial, is what she said.

20 Q. I just want to make certain about her saying that she trusts the Family Court system, because in her video taped interview to the police she refers to Justice Parfett as crooked Parfett repeatedly, and says that there's a conspiracy of the judges? So you're saying that now...

25 A. She never mentioned anything about any conspiracy of the CAS or the Family Court system or the judges.

Q. ...and you're not looking for that line of thinking in any event?

30 A. It just didn't come out during our interview. If it came out well I would, you know, listen to it and put weight where I thought weight maybe should be put. But as I indicated, she interviewed very well.

Q. Okay, thank you very much, Sir.

THE COURT: Thank you. Mr. Hale, anything further from this witness?

RE-EXAMINATION (CONTINUED) BY MR. HALE:

5 Q. Just on this comment about the fear of her husband burning the house down. Am I -- am I correct that the context of that was she was saying, there's no way I'm going anywhere near the place because I don't want him to be able to pin it on me? That she was saying, absolutely, I'm going to stay away
10 because I don't want him to do something then be able to pin it on me?

A. It's just -- it's just something she mentioned, okay.

Q. Okay.

15 A. She's worried -- she's worried about a lot of things in life and being at OCDC and not being able to plan for her trial is one of her worries, you know. And she -- she brought that up out of the blue that she was worried her husband would -- would burn the place down, she would get -- get charged with it.
20 But she speaks a lot.

Q. Yeah.

A. She talks a lot.

Q. All right. Okay, I don't have any other questions Your Honour. Thank you. Thank you, Mr. Monaghan.

25 THE COURT: Thank you, Mr. Monaghan, I don't have any questions. Thanks very much for making yourself available this morning.

A. Thank you.

THE COURT: Appreciate it.

30 MR. HALE: Your Honour, in my view, I don't see the necessity of calling Ms. Moore. She would simply be telling the court what she's clearly told Mr.

5 Monaghan, which is that she would abide by conditions. So I don't know if my friend is calling other evidence at this detention review, otherwise I'd be prepared to make submissions now. MR. KARIMJEE: I'm ready to make submissions, Your Honour.

THE COURT: Thank you, counsel.

10 MR. KARIMJEE: I think, whoever you want, Your Honour, wants to go first. I can go first if you prefer.

THE COURT: Yeah, I think it might be most helpful to the court if Mr. Karimjee goes first. Is your -- pardon me, is Ms. Moore saying something that I need to know about?

15 UNIDENTIFIED SPEAKER FROM THE BODY OF THE COURT: She was saying she would like to speak.

20 DEIRDRE MOORE: I -- I -- if I would be permitted to 60 seconds to perhaps put the Crown Attorney's mind at rest about a couple of issues. I have no interest whatsoever, Your Honour, in -- in breaching any orders. And when I was speaking with Mr. Monaghan, I was quite clear that I was -- I was happy about -- happy about having a curfew. And because we're here for a detention review or bail review, and not the trial and guilt or innocence, 25 or what led up to my violation of the court order in the first place, we're not to address that today, but I have -- I'm concerned about being accused again of doing things. And so I'm -- I'm grateful to be accepted into the bail house 30 program. If they had no bed for me, I was concerned because I would be out on my own

5 recognizance staying in a motel. For reasons I
won't get into today, I do not have a place to go
and I would not -- I would feel exposed given the
fact that this toxic divorce was scheduled for
trial in September. And then I just -- out of, you
know, happened to be arrested weeks before this
divorce trial, where I've been granted permission
to seek damages for intentional infliction of
10 emotional suffering, criminal defamation, criminal
harassment. Justice Summers provided me permission
to seek damages for those things in 2017, and I
don't know if it is precedent setting, but it's
close, and this is the trial where the complainant,
the ex-husband, was going to have to be brought in
15 front of a judge. And so I'm...

THE COURT: Ms. Moore...

DEIRDRE MOORE: ...I'm grateful to be....

20 THE COURT: ...Ms. Moore, there's something that
concerns me, specifically as the judge on this bail
review hearing and it's this. If I were to release
you, are you likely, I'm asking myself this, are
you likely to go back over to the home and in --
and, you know, go in there and try and confront
your husband or see the kids at the home?

25 DEIRDRE MOORE: Absolutely not. The trial's in
four and a half weeks, and when I went last time,
all I did, I was denied...

THE COURT: Never mind the last time.

DEIRDRE MOORE: ...anyway, so.

30 THE COURT: I want to know...

DEIRDRE MOORE: So, I have no interest in going
anywhere near the house.

THE COURT: ...are you making that promise to the court?

DEIRDRE MOORE: Absolutely.

THE COURT: Thank you.

DEIRDRE MOORE: Absolutely.

THE COURT: Thank you, Ma'am. That's important to me and I'm going to rely on that, okay.

DEIRDRE MOORE: You -- you can rely on it, Your Honour.

THE COURT: Thank you. Mr. Karimjee, would you like to make your submissions, please?

MR. KARIMJEE: Yes, please. Thank you very much, Your Honour. So, Your Honour, the first thing is -- is that obviously no-one wants to see, I shouldn't say no-one, I should say this Crown doesn't want to see Ms. Moore in custody if she doesn't have to be. As Your Honour pointed out, given the -- and as I would point out -- given the mental health issues, if she was to be found guilty, I don't think she would necessarily get more jail time. But that's not what the Crown is seeking. The Crown is really, really concerned that there's substantial mental health issues, which would prevent her from abiding by any court conditions. And in the Crown's submission, we already have, I believe, Justice Laliberté assigned as the trial judge. An *amicus* was appointed to get ready for the trial and the ex-husband and the children -- I know Ms. Moore, I don't want to upset her -- but they have a dif -- at least they have presented a different story to the Crown. They are substantially concerned for their peace and well

5 being in terms of receiving repeated
communications, showing up at the home, breaking
the window, writing a message on the wall. So this
is not a small matter for the ex-husband and the
children. From what the Crown understands is they
are substantially concerned about their own
psychological and physical safety. And what
concerns the Crown is that, in fact, when I first
began to review the materials, I myself was
10 inclined to say like, why can't we work out some
form of consent release. Obviously, the decision
is ultimately up to Your Honour, but here is what
concerned the Crown. If Your Honour goes to the
table of contents of the 90-day review materials,
15 at Tab 4, page 3, it says, the officer asks;

The officers, when they arrested you, read
you your rights to counsel. They told you --
you had the right to speak to a lawyer.

Oh, yeah, probably.

20 Okay, do you understand that?

Oh, well just, I've been arrested so many
times. Three times this year so far.

Okay, okay, so it's just....

25 Yeah, I'm sure they did read me my rights,
um, for first of all violating a restraining
order. I did not because again, it was for a
lawful purpose.

Well we'll go over that, we'll go over that,
not a lawful restraining order.

30 And then if you go to page 5, Ms. Moore says;

Oh well there's a bit of history and you
should know that I did actually file, I think

R. v. Moore

Submissions by Mr. Karimjee

about six or seven police reports last --
just last week, including allegations against
the Children Aid Society, specifically to two
members, the case worker, a psychiatrist in
Quebec, I believe a judge in Ottawa. A
couple of judges, a lawyer. There's been so
much defamatory liable, this has been going
on since 2013.

And then if Your Honour goes to page 8. At the
middle it says, and I gave him a couple of dates,
is Your Honour, there?

THE COURT: Yes, I am.

MR. KARIMJEE:

...gave him a couple and I said that you know
divorcing, I sent him an email. I was like,
that's my mistake. I said I'm divorcing you
for cruelty on October 1st. Well the next
thing I know I'm back in the hospital. I
wasn't aware of gaslighting at that point in
time. So then I was curious as to what this
gaslighting is.

And if Your Honour goes to down it says, and then
if you go to the next page, at page 9, it says;

And so that's when I started reading about
the technique. [Is Your Honour there?]

THE COURT: Yes, I am.

MR. KARIMJEE: Thank you;

That's when I started reading about the
technique and I thought, Oh, my God.

And just briefly, what is the technique?

Oh, well you are constantly questioning your
memory and reality. So here's one -- one of

5 the examples, he did it like 25 times a day.
So I'm making toast and jam for the kids in
the morning and I realize, oh, there's no
jam. So I go downstairs to the pantry, I
bring up a fresh jar, make toast and jam, put
it in the cupboard. Next day toast and jam
for the kids, I look there, it's a brand-new
jar hasn't been cracked. So you go, I'm
pretty sure I cracked it yesterday. Okay, I
10 am very efficient, I'm a businessperson, what
I get, right, it's messing with your reality.
So over here what -- what -- what obviously she's
suggesting is that, you know, the jam she had
opened up, placed on top, fed the kid, but again
15 it's a brand-new jar and hasn't been cracked. So
she's actually -- I mean there are two ways of
looking at it. One is that she's right about what
she's saying, and the other one, which I -- which
the Crown is going to suggest is the more
20 reasonable sort of approach, is that her version of
reality may be affected by psychosis. So, then,
but what's the harm with that? Like -- and that's
-- that's -- the answer to that question is found
in -- in -- and if Your Honour looks at page 16,
25 she says for example;

30 Plus my house is broken into. My headphones,
all of a sudden, they don't work. When you
talk to my daughter, he steals her glasses
too. Oh wait, this is the most bizarre. I
am begging the courts and I believe justice,
some of the judges are involved in this
little game too, okay.

And if you go to page 20 to -- page 20. And so if you look at that, it says;

You are to appear in court. [It's at the bottom, towards the bottom and -- and [indiscernible] says]

H'hmm.

And jammed the whole thing through a crooked judge, Justice Parfett.

H'hmm.

It's not lawful. So that happens beginning on February 6th. It's ripe with all this, [indiscernible] they talk about mental ill [indiscernible] leeble (ph).

MR. HALE: Liable.

MR. KARIMJEE: And then if you go to 21, she says again at the middle of it;

Justice Parfett crooked, Justice Parfett signs it away. I can't say a word. I'm in -- in there all prepared in court, that's probably recorded, I'm not -- I'm not even given the time of day to present my side.

And what I'm going to suggest here is that her perception of reality, she -- I'm not saying that she's lying, she genuinely believe in all of that. That's her perception of reality and it goes on, and a classic example of how it gets -- her perception of reality affects her conduct. So I'm not doubting her -- her indications right now to the court, that look I intend to abide to the conditions. I'm not doubting her present intentions. I'm outing [sic] whether notwithstanding though is her mental illness is of

such a nature that there is a serious substantial likelihood that she would reoffend. And the best example of that, Your Honour, is at page 22, the Montreal incident, where at page 22 she says;

I'm in Quebec but I'm a little lost. I don't know where I was. I wasn't in Montreal, I was basically, I don't know, the middle of the countryside. Next thing I know there's an officer behind me, the lights go on. Like I'm not speeding, yeah, I'm not doing anything wrong. Yeah, what's going on? So I, like, I'm not stopping the car until I am, you know, near a 7-Eleven or something with witnesses and lights *et cetera*.

So that's the kind of thinking that -- and judgment that she demonstrates. She acts according to her worldview, which is -- which is paranoia and what does she do, there's a police car, she doesn't stop;

Again, I don't know where I am. I'm somewhere in the, like, countryside of Quebec. So eventually there's three or four behind me.

So now we don't have one officer, now we have four officers behind her;

And I'm about to go over the bridge and I'm thinking, okay, this is getting dangerous. These -- these people are chasing me now. And so I stop the car. There's a guy show up pointing a gun at me, looking right out, they're yelling at me. I'm in this rental SUV where, like, I'm not familiar with the

5 seatbelt, okay. So I just put my hands up
and not move 'cause this guy's pointing a gun
right at my head and looked at me with hate
in his eyes. And so, what is going on,
right. They opened the door, they get a dog,
comes up jumps and bites my arm. I was like,
what you doing? Right, I'm ripped out. They
throw me on the ground, they stomp on my
face, they stomp on my ribs. I couldn't sit
10 up in bed for almost eight weeks without,
like, pain, of like eight out of ten.

And if you go to page 29, she starts off at;

At no response.

15 What else have I done that. I've delivered
things to my kids; I went to seek of CAS. I
was supposed to have a meeting, it was a
present for my kids. They cancelled the
meeting, it's a visit, a supervised visit,
right. I'm there in the [indiscernible]
20 supervised visit, five thirty, they want --
they want my cellphones. I said you can't
have my cellphone I have a ton of evidence on
it. They cancelled the meeting. They're not
allowed to do that. That's not...

25 So you went in the back?

No, I went to the back I didn't see anybody.
Yeah.

30 So when I around to the front and opened the
door like, Hi, guys, I love you. I love you,
and I could see him on the phone. I was
like, this is ridiculous. So I smashed in
the window. I was like guys; I love you so

5 much. Please know I'm doing everything I can. Your dad's a very bad man and then he scoots out wherever he did. So then I went into the house and I wrote it on the wall so at least they know there's something going on. 'Cause I haven't been permitted to communicate, right. With my 11 and 13-year-old children, I gave up on my career to be a stay at home mom.

10 So one has to look at the fact that there's allegations of repeated breach of Family Court orders. She has got -- she's got arrested numerous times, as she herself said during the interview. And the question then is that I'm going to submit that those allegations support a substantial risk of reoffending. And where do I get that from, that sort of line of thinking? If Your Honour, please goes to the case of *Al Safi* at Tab 4 of the Crown materials. It is a decision of your brother

20 Justice Quigley, and basically it stands for the proposition the presumption of innocence is not the same as a presumption of absence of risk. So it's the Crown book of materials, Bail Review Cases and Materials.

25 THE COURT: Well it's not about risk, it's about a likelihood of reoffending, that's what the *Criminal Code* says.

MR. KARIMJEE: That's right, substantial likelihood of reoffending.

30 THE COURT: Right.

MR. KARIMJEE: And if you look at the prosecution summary, this is not a one off once only occasion.

It happens, so if you look at the prosecution summary going again to the 90-day reviews. It's at Tab 2, page 4 of 14.

On April 8th, 2019, the accused was placed on a restraining order with several conditions, including abstaining from communicating with her children except while supervised. She's also required to stay 500 metres from 1244 Lampman Crescent, the resident of the victim, John Kiska, who is the father of the involved children. On 26th of June, the accused was denied visitation with her children at the discretion of the Children Aid Society of Ottawa. The accused called the victim, left a voicemail asking to drop off some gifts for the children. The victim did not respond, and the accused sent the gifts to the victim's residence in a taxi. The accused sent an email to the victim containing photos of the gifts, a street sign at the corner of Prince of Wales Drive and Maryland Avenue, which is close to the residence of the victim and a photo of her luggage in the same general area. Then we have the 27th of June, the accused was observed by the victim at the intersection of Prince of Wales Drive and Dynes Road. While passing by the accused waved and called out to her son, Sean Kiska. The victim was contacted by his crying 11-year-old daughter, Cate Kiska, who was home alone. Cate stated that her mother had come to the house and was at the house at the time

of the call. The accused yelled out to Cate, using a nickname only used by the accused to refer to Cate. Police were called. The accused was arrested approximately 239 metres from the victim's residence. Right, so this is the 27th of June, then we go to the 19 and 20th of July, the accused attended 1244 Lampman Crescent a second and third time. Finally, on the 26th of July the accused attended the residence for a fourth time. In the incident on the 19th of July, the accused was found at the backyard of the residence taking photographs. On 20th of July the accused attended the residence sometime after 9:00 p.m. and was screaming. 9-1-1 was called on the 19th and 26th of July 2019. Lastly, the accused left a package for the children with a nearby neighbour on 22nd of July. And on the 17th of July, the accused authored two articles on LinkedIn. One article was titled "Is the CAS Being Paid by my Ex-husband to Abuse my Children and me or is this the Role of the Children Aids Society of Ottawa". And the other was titled "Preparation of my Defence for Violating a CAS Constructed Restraining Order" that later highlighted that the accused knowingly violated the restraining order of 27th of June 2019. It also contained a link to a YouTube video which depicts the accused filming John Kiska moments before arrest. On 25th of July John Kiska forwarded a chain of emails to the

R. v. Moore

Submissions by Mr. Karimjee

Ottawa Police Service. The emails were believed to have been altered by the accused. In 20th and 21st of July, the accused sent a total of six emails to various people, including John Kiska, the media and members of CAS. The emails were, in content, were an email dated 20th of July 2019 at 10:38 p.m. says;

I have asked the taxi to leave some gifts for Sean Cate.

Other email content includes calling John Kiska a narcissist and referring he's a psychopath.

And then there's several more emails on the 26th of July and we know what happened on the 26th of July. And she says, if Your Honour looks at the second last third paragraph, the quotation mark what she wrote on the wall was;

I love you Sean and Cate, love mommy xoxo. Your dad is a bad man and a liar and left through the front door.

So -- so the question is -- and over here, according to the synopsis;

She was diagnosed in 2013 as bipolar psychotic feature psycho effective disorder and psychosis. The victim -- the accused is not good at -- according to the victim -- at following treatment plan or taking the medications. The victim also stated that the accused actions appear to be more paranoid and more resembling schizophrenia rather than psychosis.

So the -- the reason that I'm pointing *Al Safi* is that if Your Honour goes to *Al Safi* at paragraph 36, justice -- there's a quote by Justice Quigley of Justice Trotter, who basically says;

"Rondeau links the nature of the offence and the strength of the prosecution's case to the secondary ground."

And over here there's no doubt on the prosecution's case as far as the *actus reus* is concerned. In fact, the accused admits showing her video statement to the police. It's more the NCR issue in the -- in the Crown's submission that's the -- going to be the gist of the matter. So the -- if Your Honour turns to the next page of that case, it says;

"Although the accused person is presumed innocent, this cannot prevent a court from considering the nature of the offensive [given] the degree to which the evidence foreshadows the future determination of culpability."

So it's at Tab 4 of page 10. This quotation from Justice Trotter;

"Although the accused person is presumed innocent, this cannot prevent a court from considering the nature of the offensive [in particularly] to which the evidence foreshadows the future determination of culpability."

And again we have absolutely no plan presented for any treatment of -- of any mental health condition. No specific details provided to the court. Where

5 here we have more than a theoretical risk. We have
an established factum of disobeying court orders.
We have her on video tapes, transcript, which shows
a person whose worldview is significantly
distorted, and she acts according to her worldview.
So I'm saying that there has been no testimony
under oath, and even if there was a testimony under
oath, given the mental health history, and the
10 repeated disobedience of court orders, and how she's
effected by the worldview and to act in accordance
with it -- and you can't fault her for -- for
acting in accordance with her worldview. Her
promises now are of little comfort to the father or
the -- or the 11-year-old crying child or to the
15 peace and tranquility, especially given the -- the
paranoia she suffers from, including the fear that
he's going to burn the house down. I think one can
readily imagine that she would -- she would attend
at the home again in an effort to protect the
20 children. In terms of practicality, what is the --
what does Myers stand for, so if Your Honour goes
to Tab 7 please.

THE COURT: Mr. Karimjee...

MR. KARIMJEE: Oh, sorry.

25 THE COURT: ...it's ten after one.

MR. KARIMJEE: Oh, I apologize. I think it's safe
to say now that we won't reach the two o'clock
matter.

THE COURT: Okay.

30 MR. KARIMJEE: So, I will contact counsel and try
to organize alternate dates and we can come back
continue with this.

5 DEIRDRE MOORE: Your Honour, I have two pieces of paper, may I just address them since he's had half an hour to -- to attack my -- assassinate my character. One is from Ottawa Victim Services. If I -- if I may, please? I have this piece of paper dated 2018 saying;

10 It's my hope that Ms. Moore's able to have this matter taken to court and be able to present her evidence to discover the true facts.

15 And all of that -- all of that verbiage is from Mr. Kiska. This is to the ex-husband as he jams through a Children's Aid application so he gets sole custody of my children and access, where he states right here, and I can hand this forward, it says;

20 Since 2013, I have been responsible for providing the day to day safety and well being of the children.

25 This is a statement on a submission to the court. This is one of hundreds of pages of examples of my ex-husband. In reality, here is a letter from my daughter's tutor, 2018;

30 Cate's mother, Deirdre Moore, is the only responsible party on file and has brought her to every tutoring session.

The man is a pathological liar. He called my parents in 2018.

You asked if I could provide details of the comments made by Mr. Kiska related to how he would respond in dealings in the divorce case between you and he...

THE COURT: Ms. Moore.

DEIRDRE MOORE: ...I will spend...

THE COURT: Ms. Moore.

MR. HALE: You're giving evidence here. You can't
-- you can't do that.

DEIRDRE MOORE: ...well -- well he is reading
false...

THE COURT: Ms. Moore.

DEIRDRE MOORE: ...testimony -- false information.

THE COURT: I'm not -- I can't resolve your family
law issues. That's not what we're here for this
morning, okay.

DEIRDRE MOORE: And I understand, Your Honour.

THE COURT: We're here this morning to determine
whether or not you should be released from custody,
and that depends on whether you're going to go over
there to the house and violate the existing bail
conditions.

DEIRDRE MOORE: Absolutely not. It's the
allegations about...

THE COURT: Well you told me that.

DEIRDRE MOORE: ...my mental health that's...

THE COURT: So let's hold to that thought...

DEIRDRE MOORE: ...false.

THE COURT: ...for now. So what we're going to do,
Mr. Hale, do you have -- you have some commitments
don't you?

MR. HALE: Yes, my -- my issue is that I'm teaching
at 2:30.

THE COURT: Right.

MR. HALE: Which -- so I can't be here this
afternoon. I can tell Your Honour, just the four