

permitted to communicate. I guess he -- he can reach me then. Since they're in -- right now they're temporarily in his -- his sole care.

THE COURT: That's right.

DEIRDRE MOORE: He would -- he's okay to reach me and then I can answer. Is that how technically that would work?

THE COURT: Yes, that would be true. If he communicates with you, you can indeed answer. I don't want you going over to the property.

DEIRDRE MOORE: No, no. No, I'm not going there. No, I'm just...

THE COURT: Yes.

DEIRDRE MOORE: ...I'm just always thinking about my -- my kids.

THE COURT: If...

DEIRDRE MOORE: That's all.

THE COURT: ...the father of your children...

DEIRDRE MOORE: Okay.

THE COURT: ...sees fit to communicate with you, then you are free to -- to talk to him.

DEIRDRE MOORE: Okay, so I will update the CAS on that that would be...

THE COURT: On child issues, all right.

DEIRDRE MOORE: Yeah.

THE COURT: You don't want to get into other things.

DEIRDRE MOORE: ...no, no. I understand.

THE COURT: And I'm not going to interfere with the existing Family Court order. It's not in front of me, but this isn't Family Court either.

DEIRDRE MOORE: No, I will bring a motion...

THE COURT: So I am staying out of that.

DEIRDRE MOORE: ...and I will -- I will get a -- bring a motion to change that -- that order myself through the courts.

THE COURT: You can do that. You can do that.

COURT REGISTRAR: Your Honour, so would you like a -- 'cause the way that this order reads is they are not, even if the husband were to contact this -- Ms. Moore, she would -- the onus would be on her to remove herself from that situation. They would not be allowed to contact unless we placed an exception, one of the following exceptions on the e-orders.

THE COURT: So we could do that. What is the operative part of that order that -- as you've written it? The no contact -- the...

COURT REGISTRAR: So right now it reads, do not contact or communicate in any way, either directly or indirectly, by any physical, electronic, or other means with Jonathan Kiska, Sean Kiska, Cate Kiska. Then there are a number of exceptions, so there's except pursuant to a Family Court order made after today's date, in the presence of or through legal counsel, for purposes of attending family mediation with an accredited family mediator or a professional mediation service, incidental contact at a residential placement, that's only for youth orders, I apologize.

MR. KARIMJEE: I would submit, Your Honour, that the current exceptions are -- are, because I am really afraid, Your Honour, that -- 'cause my understanding is that the father has no intention

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whatsoever of communicating with. So if we give the -- the -- so I think it's better if we keep this black and white. That there are no exceptions except for those, if she goes to a Family Court after today's date and obtains, convinces a judge to -- I think that is -- I think those capture it sufficiently and there is no wiggle room there. Especially since the trial is four weeks away. I think it's best to keep -- we don't want Ms. Moore to be breaching. I think...

DEIRDRE MOORE: No, I don't want to breach either.

MR. KARIMJEE: ...we want her to be out in the community.

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DEIRDRE MOORE: I'm just, like, again, it's just, it is a joint -- it's -- it's -- it's a mess right, because of the divorce and everything. But it's a joint custody situation with this court order, restraining order in it. So I was just, I'm sorry, I was just thinking, sometimes decisions require....

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THE COURT: So I think what we'll do what Mr. Karimjee just said. We're going to leave that order about communications, just as the registrar - - and you're going to see it, you'll get a copy of it, of course. Just as the registrar has read it out. We are not going to alter that, okay.

COURT REGISTRAR: So, no exception, Your Honour?

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THE COURT: We don't need to add another exception, no.

COURT REGISTRAR: Thank you.

THE COURT: Now, is there more to the existing court order?

MR. KARIMJEE: We should probably also add, as part of the recognizance, that she should stay 500 meters away from the 1244 Lampman Crescent.

THE COURT: Yes.

MR. KARIMJEE: And the -- the Bail Verification Supervision Program conditions should be added as part of the recognizance as well, which is simply on this form to be included there. So she has to report to the Elizabeth Fry Society immediately upon release. All those conditions to be incorporated as part of the release.

DEIRDRE MOORE: Just to -- just to be sure because I didn't know if you were made aware of this information when I was arrested and charged and brought -- all of that, I actually am still an owner of that home and he does not legally have sole possession. You are aware of that?

THE COURT: I don't know about that, but what I do know is that you are not to go over there.

DEIRDRE MOORE: Okay.

THE COURT: Okay.

DEIRDRE MOORE: So it's just...

THE COURT: Now a Family Court judge may change that at some point when we get into the family law issues.

MR. KARIMJEE: That's right.

COURT REGISTRAR: Is there to be another -- is there a distance restriction on the complainants?

MR. KARIMJEE: 500 -- 500 meters from the residence.

COURT REGISTRAR: So the standard condition, do not be within 500 metres of any place where you know

any of the persons named above to live, work, go to school, frequent, or any place you know them to be?

MR. KARIMJEE: I think that, we could probably reduce it to 200 metres, Your Honour.

THE COURT: Yes.

COURT REGISTRAR: Thank you.

MR. KARIMJEE: It's just the specific address because she knows what the address is -- is 500 metres, but in terms of the other it's too broad to include 500 metres.

THE COURT: Okay.

MR. KARIMJEE: And I know that, I guess Your Honour has included the condition that they're -- she keep the peace and be of good behaviour. I was thinking of a weapons thing, but I think the keep the peace and be of good behaviour is enough to address that.

THE COURT: I think that would suffice, yes.

MR. KARIMJEE: And I think that's it. The only other thing would be the -- I don't know whether Ms. -- Ms. Moore has any money or not because usually a recognizance specifies a certain amount. I don't know if she has any wealth remaining or not, but I leave it entirely in the -- in the court's....

THE COURT: What would you suggest in that being a recognizance?

MR. KARIMJEE: Because if she is -- actually has no money right now.

THE COURT: Yes.

MR. KARIMJEE: Then I would suggest \$1000, and if she has no money then it can even be less, but I'm assuming she's a person of some means.

5 DEIRDRE MOORE: No, not -- he's actually robbed me  
of my half a million -- he's robbed me of  
everything because of the fraud in Family Court. I  
only receive \$1200 a month in alimony, and he  
hasn't paid that in three months. So I am trying  
to get that through his lawyer without  
communicating in him directly. It's difficult to  
get the money from -- he doesn't want to pay the --  
10 the money, right. So, I'm trying to get out of his  
lawyer, but the lawyer's almost -- is as  
uncooperative as he is. So, again I did seek  
permission from Justice Engelking on the 15th of  
October to get a date for a motion to change the  
temporary support order. Hopefully I can expose  
15 the fraud at that point and have the monthly  
payment increased to what should have been, which  
is about \$5000 a month. So but I'll take care of  
that in Family Court.

20 MR. KARIMJEE: Well, so Your Honour, in terms of  
the amount of the recognizance, the bottom line is  
that Ms. Moore understands, and the owner has made  
it clear, that if she were to breach again, she  
would end up in jail and very little prospect of  
being released. So that's the real gist of the  
25 threat, rather than the money. So I leave the  
amount in Your Honour's discretion entirely.

DEIRDRE MOORE: I don't understand what's the  
issue?

30 THE COURT: Yeah, I think, just take the momentary  
recognizance out of the order.

COURT REGISTRAR: The...

THE COURT: Is there one in there now?

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COURT REGISTRAR: ...the only way that it can be worded, Your Honour, is either a recognizance with an amount or an undertaking.

MR. KARIMJEE: You can even put \$500 or even \$1 if it's required for administrative purposes, you can do that. As long as Ms. Moore understands the central thing of Your Honour's message is that she needs to comply.

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THE COURT: All right, we will put \$1 in there. That doesn't mean you are paying anything, okay. That's just a nominal thing.

MR. KARIMJEE: Court's indulgence.

THE COURT: I'm not asking you, in other words, to pledge any money.

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DEIRDRE MOORE: Oh.

THE COURT: That you will respect my order.

DEIRDRE MOORE: Thank you, Your Honour.

THE COURT: There's lots of other reasons to do it instead.

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DEIRDRE MOORE: Thank you.

THE COURT: Okay?

DEIRDRE MOORE: Yes, Your Honour.

THE COURT: All right.

MR. KARIMJEE: Court's indulgence, please.

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THE COURT: Sure.

MR. KARIMJEE: Is Your Honour -- is Your Honour comfortable with imposing a no weapons given the nature of obsessive obsession that's demonstrated with respect to the complainants?

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THE COURT: Well I think the public would -- would expect that to be in there. So, yes. I know you're not dealing with weapons or anything, but

when there these kind -- this type of charge Ma'am, it's normal that there be a requirement that you not be in possession of any weapons. I know that's not going to be a problem.

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DEIRDRE MOORE: No, my...

THE COURT: Because you don't...

DEIRDRE MOORE: ...no, I know. Of course not.

THE COURT: ...you don't do -- you don't do weapons, do you?

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DEIRDRE MOORE: My only concern is...

THE COURT: So add that Ma'am.

DEIRDRE MOORE: ...what happens is the Family Court side, they take everything written on the criminal side...

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THE COURT: Well we...

DEIRDRE MOORE: ...and they use it against me.

So, just the mere allegation of Mr. Savage that he was going to go NCR, in the CAS hearing they say;

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Well there's a likelihood that she will be found NCR, therefore...

And you see, so even just the use of word is then twisted by the other party in Family Court. That's just the reality but go ahead by all means.

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THE COURT: I hear you but thank you for that.

Madam Registrar, you just put that in there.

COURT REGISTRAR: So the condition, any weapons as defined by the *Criminal Code*?

THE COURT: That's right.

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MR. KARIMJEE: Thank you.

COURT REGISTRAR: Any remaining conditions?

MR. KARIMJEE: And the remaining conditions as in the Bail Verification Supervision Program.

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COURT REGISTRAR: Yes, and if I have a return date we can then just go over the conditions, Your Honour, and see if there is anything missing.

THE COURT: Yes.

MR. KARIMJEE: The return date is the trial date I believe.

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COURT REGISTRAR: I do have an order to produce attached to here that there's a November 20<sup>th</sup>, 2019, 2:00 p.m. matter.

DEIRDRE MOORE: Yes, Your Honour, that's the CAS hearing where they're going to be seeking -- it's a records motion where they're trying to acquire...

THE COURT: Oh, okay.

DEIRDRE MOORE: ...the old medical records.

15  
THE COURT: Got it, that's fine.

DEIRDRE MOORE: Which is why...

THE COURT: But that -- that's not a part of this, then. It's not part of the criminal.

MR. KARIMJEE: Our next date is November 27<sup>th</sup>, a trial readiness confirmation court at 12:30.

DEIRDRE MOORE: Oh, I wasn't aware of that.

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COURT REGISTRAR: 12:30 p.m., yes. Thank you, and I'll just quickly go over those, Your Honour, make sure we've captured everything.

MR. KARIMJEE: So November 27<sup>th</sup>, 2019 is the trial readiness confirmation court date.

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COURT REGISTRAR: November 27<sup>th</sup>, 2019 at 12:30, yes, thank you and I'll just read out the conditions and you can let me know. Ma'am, please pay attention. So you're being released on a recognizance without sureties in the amount of \$1, no deposit is required. There are conditions. So  
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5 you are not to contact or communicate in any way,  
either directly or indirectly, by any physical,  
electronic or other means with Jonathan Kiska, Sean  
Kiska or Cate Kiska, you are not to be within 200  
metres of any place where you know Jonathan Kiska,  
Sean Kiska or Cate Kiska to live, work, go to  
10 school, frequent, or any place you know Jonathan  
Kiska, Sean Kiska or Cate Kiska to be, except for  
required court appearances. Do not be within 500  
metres of 1244 Lampman Crescent in Ottawa. Do not  
possess any weapons as defined by the *Criminal*  
*Code*, and there's a list. You are to keep the  
peace and be of good behaviour; you are to report  
15 in person to the Elizabeth Fry Society Supervised  
Bail Housing Program at 3786 Russell Road, Ottawa,  
immediately upon release and abide by all house  
rules, including house curfew, no violence, and no  
consumption of alcohol or non-prescription drugs.  
You are to report to the John Howard Society Bail  
20 Supervision Program at 550 Old St. Patrick Street  
on Monday November the 4<sup>th</sup>, 2019 at 10:00 a.m. and  
thereafter as directed by the bail supervisor. You  
are to reside at 3786 Russell Road, Ottawa, and not  
move from that address unless moving to a  
25 designated residential treatment facility that has  
been verified by the bail supervisor. Once  
treatment is completed or in the event of a  
premature voluntary or involuntary disengagement  
from the treatment facility, you return to 3786  
30 Russell Road, Ottawa, Ontario within 24 hours and  
not move from this address without obtaining  
variation from the court, and your bail supervisor

is Conan MacIntyre (ph) and there's a phone number for him. Your return date will be November the 27<sup>th</sup>, 2019, at 12:30 in the Superior Court of Justice.

5 DEIRDRE MOORE: May I make one request, my purse, since I have been detained, my purse with any ID I have, my belongings are at OCDC. May I pick those up on route somehow?

10 THE COURT: What are the mechanics of that, do you know Mr. Karimjee? She does of course have some of her personal effects out at the detention centre.

DEIRDRE MOORE: As well as some evidence that I have accumulated...

15 THE COURT: She would have...

DEIRDRE MOORE: ...for trial.

20 THE COURT: ...to go over and pick them up, is that essentially it?

MR. KARIMJEE: Yes, I think that that's -- that's the...

25 MR. MONAGHAN: The Elizabeth Fry Society...

COURT REGISTRAR: The guard is...

MR. MONAGHAN: ...will probably give her bus tickets.

THE COURT: Ah-huh.

30 MR. MONAGHAN: And she can go and pick them up, but that would be after she goes to the bail house.

COURT REGISTRAR: And they are only open until 4:00 p.m. today.

MR. MONAGHAN: She goes directly to the bail house.

COURT REGISTRAR: She would have to....

THE COURT: Ms. Moore, you have got to go now, leaving here, and you're going to be discharged but

you are going to have to go directly to the bail house, check in with them and so on.

DEIRDRE MOORE: Okay.

THE COURT: And as Mr. Monaghan said, they'll probably give you some bus tickets, or they'll help you arrange for you to go over and get your personal effects at the jail.

DEIRDRE MOORE: Okay.

THE COURT: In due course, okay.

DEIRDRE MOORE: I just -- would that be today? Just, they told me that if this were to happen that I should ask someone to call on my behalf because the -- the person responsible for the cash has bankers hours but they will hold everything for me if they know I'm going to get there at any point later today. So if someone could just call OCDC for me and let -- let them know I'm going to be there then they would take my wallet and my personal effects out. They'd get all my belongings together so that I could pick -- I just don't know logistically how I can do that myself.

MR. MONAGHAN: Your Honour, if she's being -- is she being released from court or from downstairs.

COURT REGISTRAR: She'll have to go downstairs.

MR. MONAGHAN: Okay, she -- she should go right away to Elizabeth Fry Society beside courtroom number 4, here, they can make the arrangements on that level, make the calls to the detention centre.

THE COURT: Thank you, Mr. Monaghan.

DEIRDRE MOORE: That would be great. Thank you so very much.

THE COURT: Okay.

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COURT REGISTRAR: So you will be brought downstairs  
and the paperwork will -- will meet you down there  
and then you'll be released.

THE COURT: Ms. Moore, I wish you the best of luck.

DEIRDRE MOORE: Thank you, Your Honour, I'm  
grateful...

THE COURT: And you are in a tough situation...

DEIRDRE MOORE: ...for your decision.

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THE COURT: ...and I know you will respect your  
obligations...

DEIRDRE MOORE: Absolutely.

THE COURT: ...not to repeat this particular  
problem, okay.

DEIRDRE MOORE: Don't you worry.

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THE COURT: Yeah.

DEIRDRE MOORE: Thank you very much, Your Honour.

THE COURT: Okay.

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

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THE COURT: Thank you all.

...PROCEEDINGS CONCLUDED

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Certification

FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

*Evidence Act*

I, **COLLEEN McQUARRIE**, certify that this document is a true and accurate transcript of the recording of **Regina v. Deirdre Moore**, in the Superior Court of Justice, held at OTTAWA, Ontario, taken from recording 0411\_CR30\_20191030\_092059\_\_10\_HACKLAC.dcr, which has been certified in Form 1 by Maggie Massey.

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