

ONTARIO COURT OF JUSTICE

Private Prosecutions Particulars

Part I: Allegations (to be completed by informant)

Informant

Name Gary McHale
Address P.O. Box 2083
City/Town Caledonia Postal Code N3W 2G6
Telephone [Redacted]

Accused #1

Name Floyd Montour
Address
City/Town Oshweken Postal Code
Telephone Date of Birth

Summary of Offence

Criminal Code violations: 1 Count of Extortion s346.1, 4 Counts of Mischief –Interfere with lawful use, enjoyment or operations of property 430(1)(c), [Redacted], 1 count of Intimidation 423(1)(g)

Particulars of Offence

Date: Multiple Dates
Location: Cayuga & Hagersville, Ontario

I will say: On May 23, 2007 in Hagersville on a property called McNeil Subdivisions which is owned by Dan Valentini, Floyd Montour did trespass onto the property for the purpose of shutting down the construction site. Mr. Valentini has provided a video statement to be used to file trespassing and mischief charges.
On May 12, 2008 Floyd Montour did block and stop construction in Cayuga known as Parkway Place on Hudson Drive & Powell Lane which is owned by 1536412 Ontario Ltd. A signed statement by David Eccles, having authority to bind the corporation, authorized me to videotape, photograph and gather evidence at his site for the purpose of laying criminal charges against Floyd Montour.
Mr. Montour also blocked access to the construction site on May 13, 2008 and on May 20, 2008.
The stated goal of stopping the construction was to force the owners to comply with the terms of Haudenosaunee Development Institute (HDI) which is demanding

(Please provide sufficient details of the offence to permit an information to be drafted)

\$3000 in payment. This demand to comply with paying \$3000 to HDI which the Ontario Government has repeatedly stated to builders they have no legal obligation to pay amounts to Extortion.

The Supreme Court ruling of **Haida Nation v. British Columbia (Minister of Forests) [2004]** clearly stated that Aboriginal groups cannot force third parties to have any legal obligations.

As such Floyd Montour has no legal or reasonable ground to force a cash payment from people with Title Deed to property.

A court ordered Injunction against Mr. Montour was issued on May 22, 2008. The court documents will be entered as evidence to clearly demonstrate that 1536412 Ontario Ltd. has suffered due to Mr. Montour actions to shut down construction and Mr. Montour's demand that 1536412 Ontario Ltd. pay a fee to HDI.

Witness Information

Name	Address	Phone Number
Jeff Parkinson	[Redacted]	[Redacted]
Dave Eccles	[Redacted]	[Redacted]
_____	_____	_____
_____	_____	_____
_____	_____	_____

Evidence List

- [Video interview with Dan Valentini who is the owner of the property in question](#)
- [Video from May 31, 2007 at the construction site in Hagersville done by Jeff Parkinson](#)
- [Video from May 12, 2008 at the Cayuga construction site and video statement of property owners.](#)

Have the police investigated this incident? No Yes Occurrence No. # unknown

Have you previously sworn an Information regarding this offence? No Yes

If yes, When? _____ Where? _____

Has another Justice of the Peace refused to issue process for this offence? No Yes

If yes, When? _____ Where? _____

Do you have any new evidence with respect to this offence? No Yes

Of yes, give details _____



Signature of Informant

May 27, 2008

Date

Identification of informant confirmed by Justice of the Peace.

Part II: Directions to Court Staff (to be completed by Justice of the Peace)

Please prepare an Information for a private prosecution by the informant named above,
charging the accused person named above, with the offence of

against _____ committed in the City/Town of

_____ on the _____ day of _____, 20 _____

contrary to section _____ of the _____

Signature of Justice of the Peace

Date