

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 Ruby Montour

Address _____

City/Town Oshweken Postal Code _____

Telephone _____ Date of Birth _____

Summary of Offence

Criminal Code violations: 1 Count of Extortion s346.1, 2 Counts of Mischief –Interfere with lawful use, enjoyment or operations of property 430(1)(c) , 1 count of Intimidation 423(1)(g)

Particulars of Offence

Date: May 12, 2008

Location: Cayuga, Ontario

I will say: On May 12, 2008 Ruby 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 Ruby Montour.

Ms. Montour also blocked access to the construction site on May 13, 2008.

The stated goal of stopping the construction was to force the owners to comply with the terms of HDI which is demanding \$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 Ruby 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

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

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.

CAO-507.1 (Rev. 07-02) (rév.07/2002) CSD

Witness Information

Name	Address	Phone Number
Jeff Parkinson		
Dave Eccles		

Evidence List

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