

Court file No. 141-07

SUPERIOR COURT OF JUSTICE  
(Central East Region)IN THE MATTER OF a Contempt Order  
issued against Donald Best on January 15, 2010,  
by the Honourable Justice ShaughnessyAffidavit of Donald Best

I, Donald Best, MAKE OATH AND SAY AS FOLLOWS:

1. Sergeant Laurie Rushbrook of the Durham Regional Police, Professional Standards Unit, recently advised me that in December of 2009, over a month prior to my January 15, 2010 trial in absentia, a Durham Police court constable performed an undocumented investigation into me, Donald Best, most likely in assistance to the court.
2. Late last week I spoke with Sergeant Rushbrook who provided me with an official briefing of the results to date concerning the Professional Standards Unit's investigation into the actions of the Durham Police court constable, whose name has not been revealed to me but is known to the police.
3. Attached to this affidavit as Exhibit A is an email I sent to Sgt. Rushbrook on Friday, April 26, 2013.
4. I am advised by Sgt. Rushbrook that the court constable's investigation of me was entirely undocumented and that no official or unofficial notes, emails, reports, files or records of this court police investigation exist with the Durham Regional Police or at the Court, including in the administrative records of the court in Barrie and Oshawa, or in the Nelson Barbados Group Ltd. court file and court transcripts.
5. I verily believe that an 'undocumented', secret, private or 'on the side' (whatever it may be called) court police investigation of a person facing a potential jail term based on allegations of civil contempt that may or may not occur at a future date would mean that the entire hearing was polluted to the point where there has been a miscarriage of justice and probably means that this court had to disqualify itself then and has to now.


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6. Sergeant Rushbrook advised me that the involved court officer retired a matter of days after enquiries were made regarding the undocumented investigation and that the police force can no longer compel him to provide a statement.
7. Notwithstanding the retirement, I believe that any court can compel the now-retired court officer and the police investigators to testify and to produce all their memo books, notes, files, paper and computer records.
8. Sgt. Rushbrook states that it is likely that this Durham Police court officer was informed in early December 2009, a month before my trial, that the court would be issuing a warrant for my arrest and incarceration at the January 15, 2010 court date. Currently, Sgt. Rushbrook does not know who provided my name, date of birth and other information to the court officer to facilitate the investigation, who requested the investigation or what the court officer did with the product of the investigation, and whom the court officer communicated with. Sgt. Rushbrook does not know the full extent of the court constable's December 2009 undocumented investigation into me.
9. The Durham Police court constable's undocumented investigation of me in December of 2009 was a secret or private or 'on the side' process (whatever it may be called) that was only recently revealed when the Commissioner of the Royal Canadian Mounted Police RCMP commenced an internal audit concerning access to the Canadian Police Information Centre computer database known as CPIC.
10. Further, Sgt. Rushbrook also contacted the Peel Regional Police that is the agency that eventually placed my arrest warrant onto the CPIC system. Sgt. Rushbrook finds it very odd that neither the Durham Regional Police nor the Peel Regional Police have any warrant package or file of me as they normally would have.
11. As a result of the facts recently explained to me by Sgt. Rushbrook and because of my own experience as a Police Sergeant and veteran of internal investigations, I verily believe that there should be an immediate and thorough examination of this undocumented investigation and process.
12. The fact that no records exist (official or otherwise) of this Durham Police court officer's investigation of me such as police notes, files or occurrence numbers, and that nothing exists in the court files, speaks further of a cover up or conspiracy in order to prevent a full hearing into this situation. That adds to the already serious concern that this has been a miscarriage and abuse of justice from the beginning.

13. Further, I am also informed by Sgt. Rushbrook that this same type of undocumented, secret, private or 'on the side' court police investigation in assistance to the court has also been done on occasion to other accused persons who, like myself, had not yet been found guilty or even come to trial.

14. This is new evidence just come to my attention and I want to file this affidavit with the Court in support of my application.

Sworn before me at TOWN OF )  
BRADFORD, IN THE )  
COUNTY OF SIMCOE )

  
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Donald Best

This 29th day of April, 2013



A Commissioner, etc.

DEBRA LEE DAVIES, a Commissioner, etc.,  
County of Simcoe, for Evans & Evans,  
Barristers and Solicitors.  
Expires January 20, 2016.