

CORONERS COURT

IN THE MATTER OF the *Coroners Act*, R.S.O. 1990, c. 37
AND IN THE MATTER OF the Inquest into the death of Junior Manon

NOTICE OF MOTION

TAKE NOTICE THAT the Moving Party, Luisa Manon, Alejandro Manon, Dayana Manon, and Amanda Manon, who are respectively the mother, father and sisters of Junior Manon (hereafter “the Manon Family”), will make a motion to the Presiding Coroner, Dr. Cass on Tuesday January 24th, 2012.

THE MOTION IS FOR THE FOLLOWING:

1. That the Presiding Coroner conduct a *voir dire* to determine the relevance and admissibility of evidence concerning Constable Adams’ use of force on Adam Nobody during the G20 Summit protests;
2. Further, that the Presiding Coroner permit the Manon Family to cross-examine Constable Adams regarding his use of force in the arrest of Adam Nobody on June 26, 2010;
3. Further, that the Presiding Coroner admit into evidence the Investigative Report of the Office of the Independent Review Director (“OIPRD”), dated January 13, 2012, which found that a complaint of assault by Adam Nobody against Constable Adams was “substantiated”; and,
4. Such further and other orders as counsel may advise and the Presiding Coroner may permit.

THE GROUNDS FOR THE MOTION ARE:

1. Junior Manon died on May 5, 2010, during the course of a forcible arrest by Police Constables Adams and Blower of the Toronto Police Service.

2. The Post Mortem Report prepared by Dr. Michael Pollanen concluded that the use of force by the officers was the cause of death: “the mechanism of death was the reduced ability to breath (sp) due to restriction of chest movements during prone restrain with added weight on the back”. The Post Mortem Report ruled out the possibility that “excited delirium” or drug/alcohol intoxication played any role in Mr. Manon’s death.
3. Constables Adams and Blower deny applying force to Mr. Manon’s chest or back during the restraint. Their accounts are contradicted by numerous civilian witnesses who report that the officers were on top of Mr. Manon during the restraint.
4. In addition, civilian witnesses report that the officers placed Mr. Manon in a headlock or neckhold, and that one of the officers repeatedly struck Mr. Manon in the head with a police radio.
5. Seven weeks after Mr. Manon’s death, and while the Special Investigations Unit (“SIU”) investigation was ongoing, Constable Adam was involved in the forcible arrest of Adam Nobody. Mr. Nobody suffered serious injuries including a broken nose and fractured cheekbone during the arrest. An SIU investigation into Mr. Nobody’s arrest found that excessive force was used, but that the responsible officers could not be identified. Subsequently, the SIU was able to identify one of the police perpetrators (not Constable Adams), and criminal charges were laid.
6. Mr. Nobody filed a public complaint with the OIPRD alleging excessive force in the conduct of his arrest. On January 13, 2012, the OIPRD identified Constable Adams as one of the officers principally involved in Mr. Nobody’s arrest. The OIPRD found that Mr. Nobody’s allegations of excessive force by Constable Adams were “substantiated”.
7. Constable Adams’ account of and justification for his use of force against Mr. Manon is strikingly similar to his account of and justification for his use of force against Mr. Nobody.
8. The circumstances surrounding Constable Adams’ use of force against Mr. Manon are central to the inquest. The jury is entitled to assess Constable Adams’ evidence concerning his use of force against Mr. Manon in the context of his strikingly similar account of his use of force against Mr. Nobody.

9. Further, Constable Adams and other involved officers have raised Mr. Manon's alleged "propensity for violence" as a justification for their conduct. As such, whether Constable Adams had a propensity to use excessive force is relevant to the jury's assessment of the evidence, including whether Mr. Manon died by means of "homicide" or "accident".
10. The proposed evidence is also relevant to the preventative function of the jury. The evidence concerning Constable Adams' use of force against Mr. Nobody (and Mr. Manon) may demonstrate a systemic failing in the manner in which Toronto Police Service officers are trained and supervised.
11. Sections 16, 31, 32, 41, 44, and 50 *Coroner's Act*, R.S.O. 1990 c. C.37
12. Such other grounds as counsel may advise and the Presiding Coroner may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED:

1. The herein Notice of Motion;
2. The Manon Family's written submissions, with attachments, dated January 20, 2012;
3. Such other documentary evidence as counsel may advise and the Presiding Coroner may permit.

DATED this 20th day of January, 2012

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