

**ONTARIO COURT OF JUSTICE
(Central South Region)**

BETWEEN:

HER MAJESTY THE QUEEN

-and-

PETER EICKMEIER & HALINA JAWOR

NON-DISCLOSURE SYNOPSIS

This is intended as a rebuttal of the Crown's suggestion in Paragraph 6 of the Judicial Pretrial Synopsis that there has been full disclosure (or any disclosure at all). It is also intended as a rebuttal of the Crown's suggestion in Paragraph 5 of the Judicial Pretrial Synopsis that the Crown is ready to have the defendants make an election and to have a date fixed for either a trial or a Preliminary Inquiry.

1. Paragraph 6 of the Judicial Pretrial Synopsis starts with the sentence "Full disclosure has been made."
2. In fact, no disclosure has been made. The only thing that has been made is concealment. Canada Revenue Agency has produced 21,000 pages of irrelevant material that is not in any way related to the charges.

3. I have repeatedly demanded that I be informed of the basis of the charges, i.e., the facts alleged and the evidence that supports those facts.
4. I have repeatedly indicated that as soon as that information has been made available to me, I will provide explanations that will show that there is no basis for the charges.
5. Canada Revenue Agency has adamantly refused to disclose anything to me that in any way relates to the charges.
6. If there is anything relevant in the 21,000 pages, then it is concealed by a mountain of irrelevant material, and the Crown has an obligation to disclose to me what is the basis of their case. They must have done this for themselves, and so they could easily give me a copy of it. Instead, Canada Revenue Agency, by producing 21,000 pages of irrelevant material, is doing the equivalent of giving me a giant haystack and saying, "Go find your own needle."

7. Attached hereto are copies of the written demands that I have made for disclosure. Not included are my countless verbal demands for disclosure.
 - (a) Memo to Charles Criminisi, the first Crown Attorney to handle this case.
 - (b) Letter to Stephane Marnier, of the Department of Justice, with enclosures:
 - (i) Statement regarding my objection to the assessment, and
 - (ii) a letter to George Misiak of Canada Revenue Agency.
 - (c) Second Letter to Stephane Marnier.
 - (d) Fax to Peter B. Wenglowski, the second Crown Attorney to handle this case. (The third Crown Attorney to handle this case was Roy W. Atamanuk.)
 - (e) Fax to Damien R. Frost, the fourth Crown Attorney to handle this case.
8. It is obvious that Canada Revenue Agency believes that there is a faint possibility that they could win this case if they have the element of surprise

on their side. If they are able to delay disclosure until their presentation of evidence at the trial is almost complete, then they think that I will be so overwhelmed by the enormous volume of material that they intend to present that I will not be able to remember enough of the case to present a meaningful defence.

9. The first time I became aware that the Crown intended to make no disclosure in this case was on Tuesday, July 12, 2005 at 1:09 PM when I received a faxed JUDICIAL PRETRIAL SYNOPSIS from Mr. Frost, the current Crown Attorney handling this case. Up until then, all Crown Attorneys were still reviewing the case or withdrawing from the case and were in no position to make disclosure.

10. On June 9, 2005, George Misiak, of Canada Revenue Agency, gave me some documents that suggested that the investigation has not been completed and that a witness, Stephen Loewenthal, was still being questioned. No indication of the outcome of that further questioning has ever been given to me.

11. Since Canada Revenue Agency has adamantly refused to disclose their theory of the case or what evidence they wish to rely on, and since the investigation is not complete and may give rise to new evidence, and since

there is evidence that the Crown Attorney intends never to make any disclosure at all (paragraph 6 of the Judicial Pretrial Summary), I submit that proper, full, and final disclosure be made before any date be set for election, trial, or Preliminary Inquiry.

ALL OF WHICH IS RESPECTFULLY SUBMITTED BY:

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