

# Response to David Sinnett

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## When a Lawyer Breaches Duty

**Kevin Mugur Galalae**

23 October 2011

*Kevin Galalae takes issue with his former criminal lawyer's many breaches of duty and explains how David Sinnett acted in bad faith and under false pretenses in order to do the Crown's bidding and get Kevin convicted of crimes he did not commit. The letter shows the extent to which the Canadian legal system has been perverted in order to achieve the politically expedient goal of silencing Kevin's human rights activism. For perspective, this letter should be read along with the articles "Canada's Political Prisoner" ([http://wikispooks.com/w/images/c/c8/Canada%27s\\_Political\\_Prisoner.pdf](http://wikispooks.com/w/images/c/c8/Canada%27s_Political_Prisoner.pdf)) and "Doctors For Sale" ([http://wikispooks.com/w/images/6/62/Doctors\\_for\\_Sale.pdf](http://wikispooks.com/w/images/6/62/Doctors_for_Sale.pdf)).*

23 October 2011.

Mr. Sinnett,

Your disappointment in me pales by comparison to my disappointment in you. Let me explain why.

1. You have never showed me the police disclosure and have allowed me only once to quickly read the one page synopsis by the Kingston Police in your office but refused to give me a photocopy of it. It is called a disclosure because it has to be disclosed otherwise the accused cannot defend himself or herself against accusations and allegations he or she is not aware of. This is a fundamental principal of justice and you have violated it.

Upon my insistence you did eventually provide me with a summary of the one page synopsis but left out important elements such as: *“Evidence indicates that the accused is suffering from a delusional mental health disorder and may not comprehend the current situation. As a result and with the support of the Hospital attending physician, Dr. Duncan Scott an assessment order under section 672 of the Criminal Code is being requested.”* Clearly, Dr. Scott did not believe that I suffer from any mental disorder which is why he did not do the Crown’s bidding and called for an assessment order under section 672, which would have seen me held against my will in a psychiatric facility for an additional 30 days. He was persuaded, however, to fudge the report he eventually issued two months later by fabricating the diagnosis the Police and Crown had requested, namely that I am “delusional”. He did such a poor job, however, to ensure that the report does not stand up to even the most superficial scrutiny. My article, *Doctors for Sale* (see enclosed attachment), shows just how feeble (not to say feebleminded) the report is and that the diagnosis is a complete fabrication.

2. You conspired with the Kingston Police and the Crown lawyers to illegally deprive me of the exonerating evidence I had copied from my wife’s [cindym22@hotmail.ca](mailto:cindym22@hotmail.ca) email account. You then came to me in the court room during the bail hearing and whispered in my ear that the Crown will only agree to my release on bail if I give up my copies of my wife’s emails. You concealed this unlawful arrangement from the judge by merely whispering this to me to make sure that no one finds out about this and that it does not make it onto the court transcript. You then buried these emails and never made use of them in court to prove that: my wife is mentally and emotionally ill; that she started her slander campaign months in advance; that she and her lawyer had entrapped me into the harassment charge; that my wife was aware that I am mentally sound since our family doctor, Dr. McIlquham, had told her that I am merely “demonstrative” and that there is nothing wrong with my mind; and that my wife was making plans to move to Hong Kong and take the children with her, which she could only do if I was declared mentally unfit; etc. You also concealed from the judges the fact that Detective Dianne McCarthy and her colleague Constable Lisa Damczyk had subsequently forced me and my surety, Ishin Kaya, on threat of imprisonment to give up our copies of the said emails; knowing full well that this too is a violation of my rights. Had you used these emails in court you would have destroyed the Crown’s position and easily forced them to drop the charges. Of course, that was not your job. Your job was to pretend that you represented me.
3. Despite the fact that the hospital’s diagnosis is a complete fabrication intended to give the police and Crown enough grounds to accuse me of being delusional (and to defend themselves against a malicious prosecution lawsuit while also ruining my credibility as a human rights activist), and that two independent psychological reports that I supplied long before Dr. Scott issued his false

report gave me a clean bill of mental health, you went into the deliberations chamber on July 22 and agreed with the Crown that I have "serious psyc issues" (see your hand notes below). In other words, you ignored the two independent and comprehensive psychological reports by Dr. Beharry, PhD, and by Bruce Cook, so as to collaborate with the Crown's agenda and get me convicted for crimes I did not commit.

CROWN ATTORNEY'S OFFICE - KINGSTON  
MINUTES OF COUNSEL RESOLUTION MEETING

ACCUSED: GALALAE, Muger  
VICTIM'S NAME: \_\_\_\_\_ COURT DATE: 25 Jul 11  
CHARGE (S): 264(2)(a) + 264(2)(b), 145(3)x3, 346(1)  
RESOLUTION CROWN: Liz Foxton 430(1.1)(a),  
DEFENSE COUNSEL: Dave Sinnott 334(b),  
354(1)

AGREEMENTS:

- serious psyc issues  
- defence will ask his guy about doing a 3 day assess } if assessment done Crown may reconsider position depending on results  
11-14304-6P  
WITNESSES NOT REQUIRED: 11-21707 - counts 1, 2, 4 + 6 (w/ 3, 5, 7 + 8,  
DISCLOSURE ISSUES:

Crown Position:

60 days - 2yrs probation.

- PAR - no weapons

TRIAL OR PRELIMINARY TIME REQUIRED:

- assessment / treatment / counselling

SENTENCE ON EARLY, GUILTY PLEA (in addition to appropriate prohibition orders, sex registry orders, DNA orders and probation orders)

- no contact w Andy Marshall or family  
- 100 m radius

- no contact w kids unless pursuant to subsequent family court order

TODAY'S DATE: 22 Jul 11 CROWN: Andy Foxton  
(signature)

NOTE: This proposal will remain the Crown position until \_\_\_\_\_ or until a trial is set. After which, it is subject to revision by the Crown.

CC: DEFENCE COUNSEL

DNA - 2<sup>nd</sup> s. 109 - 10yrs.

4. To enable the Crown to get away with this crime you coordinated with the Crown's lawyers the farcical bail hearing on July 19, where you conveniently "forgot" to bring the second report, the one by Dr. Beharry, which would have tipped the medical evidence clearly in my favour; did not contest the Crown lawyer's arguments about the validity of Bruce Cook report's findings; and never gave me a chance to go on the stand after Detective McCarthy's selective recollection of events and misrepresentation of the facts, to which you conveniently agreed with as being accurate. Instead you took it upon yourself to playact throughout the proceedings in the mistaken belief that you could pull a wool over my eyes. Well, let me tell you Dave that you are no Gary Grant and you couldn't deceive a five year old let alone someone like me. I paid you to be my lawyer not the Crown's actor and the system's poodle.

Predictably, Judge Watson, in a classic example of judicial dishonesty, refused to grant me bail because I might send my wife another love letter by email. To make her case, she took three words ("*break through walls*") from my last love letter to my wife out of context and gave them a threatening interpretation, when in fact they meant the opposite. For the record, the paragraph reads: "*I want you back so badly that I am willing to break through walls to get to you, but first I must break through the stone you built around your heart. What are you afraid of? I am your husband and your lover.*" You did point out that depriving me of my freedom to safeguard my wife from the 'danger' of receiving another love letter is not justifiable but did so in a very weak and unconvincing way, in other words, just for the eyes of the world. Particularly distasteful were your contrived grimaces of disappointment when the judge denied me bail. But your role did not end there.

5. To ensure that I plead guilty to everything the Crown needed me to in order to protect itself, the Kingston Police and Hotel Dieu Hospital from a lawsuit for malicious prosecution, false imprisonment, false determination and a series of other charges, you advised me not to call for a second bail hearing since that would likely result in the same outcome and would take two months to get booked. To scare me into pleading guilty you then told me on the phone when I called you from the Quinte Detention Centre that I would have to stay in prison until the court date which would be set at the discretion of the Kingston Police and their schedule and that could easily be a year down the road. In other words, you made sure to do your part in cornering me to plead guilty to crimes I did not commit.
6. For three days prior to my second arrest I kept calling you for advice and you never returned my emails and phone calls. You simply disappeared off the face of the earth because you knew I would be rearrested and did not want to warn me of my impending arrest or advise me not to come to Kingston, knowing full well that in Kingston the authorities had been instructed by the political establishment to collaborate and by any means possible to arrest me so as to ensure that I will never again publish articles which reveal state violations of human rights and civil liberties. Only if I was rearrested in Kingston would the plan work because only in Kingston the local authorities had been coopted to break the laws and the rules in order to get me. The Government's hand in coordinating and orchestrating the attack on me was recently confirmed when I surprised the secretaries at Christina Rorabeck's<sup>1</sup> office and they handed me my complete file to select what I wanted photocopied from it. They did not know that the file contained classified documents from government agencies; documents I was never told about and never

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<sup>1</sup> For those unfamiliar with my case, Christina Rorabeck was my family lawyer until I realized that she was playing a duplicitous role and we parted ways.

shown by my family lawyer or by you, Dave, my criminal lawyer. These documents were so sensitive that names and lines were blacked out to ensure secrecy.

7. But that is not all. You have refused to talk to my surety, Ishin, to my sister, Irina, and to my publisher, Peter, after my second arrest. This was meant to keep me and my support system in the dark about the reasons for my arrest and other crucial details knowing full well that they would be published on the Internet.
8. Your last illegal and unethical act was that you tried to corrupt my human rights lawyer by asking him to withhold the Crown disclosure from me. Here is your cover letter:



Matthew C. Hodgson, CD, B.A.(Hons), LL.B.  
David R. Sinnett, B.A., LL.B.

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September 27, 2011

**PRIVILEGED AND CONFIDENTIAL**

Mr. Glenroy K Bastien  
Bastien's Professional Corporation  
1 King Street West, Suite 1408  
Toronto, ON  
K5H 1A1

Dear Sir:

**Re: Kevin Galalae**

We have been directed by Mr. Galalae to provide you with the contents of his criminal file. We are enclosing the Crown disclosure from Mr. Galalae's matter on the understanding that the material will not be provided directly to Mr. Galalae but will remain in your care and control. This request in accordance with our undertaking provided to the Crown upon receipt of the disclosure. If this request cannot be met we would kindly ask that the materials be returned to our office.

We are also enclosing a letter and account for Mr. Galalae and would kindly ask that you provide it to him. We thank you for your assistance. Please contact our office should you have any questions or require additional information.

Yours truly,

HODGSON, SINNETT

A handwritten signature in black ink, appearing to read 'David R. Sinnett', written over a horizontal line.

David R. Sinnett

encl.

9. More than this, you withheld material from the disclosure. Among the materials you withheld are: the police report referred to by Constable Slack (badge number 324) on May 13 (see p. 6 <http://cryptome.org/0004/turn-tide.pdf>) and which predates the police report done on May 18; the recordings, video footage and other materials I instructed you to request from the police on June 18 (see email below).

From: kgalalae@hotmail.com  
To: dave@hodgsonsinnett.com  
Subject: RE: urgent matters  
Date: Sat, 18 Jun 2011 18:29:25 +0200

Hi David,

The 29<sup>th</sup> of June is approaching fast and I would like to be fully prepared on that day. Please remind me if the 29<sup>th</sup> is the day of the judicial review. I also need to know exactly what time Ishin and I need to be there.

Regardless, I would like you on Monday morning (June 20) to request the following disclosures from the police:

1. All correspondence, emails, phone logs, recorded conversations by the police regarding me prior to my arrest.
2. Copies of all internal police emails, messages, intelligence, all information stored about me by the police.
3. Electronic notes
4. Copies of all notebooks by the police officers involved in my case and of all constables who responded to my 911 calls and to those placed by Cindy and her family, also of my calls to the OPP and the RCMP that I placed on the night of May 13.
5. Copies of all reports filed by various police constables
6. A copy of Constable Gemignano's voice recording on the day he took me in for a psychological evaluation, which was the 15<sup>th</sup> of May. It was obvious to me that he had a digital voice recorder on the entire time.
7. All videotapes and/or audiotapes of all interrogations and meetings with me, with Cindy, with her family members, with my surety and his wife (i.e. Ishin and Nursen).
8. All reports, phone calls and electronic communication between the police and Hotel Dieu Hospital before, during and after my incarceration there. Dr. Murray confessed that he had talked on the phone with Detective Diane McCarthy shortly before he assessed me. He also indicated that he had called the police to ask permission if he could give me my document bag back so I could show him evidence of my wife's abnormal behaviour. There must be many other communications between the police and the hospital. Dr. Oliver, Dr. Orr, Dr. Flynn and many others appear to have talked to the police prior to seeing me.
9. Copies of all reports and correspondence about me from Quinte Detention Center and between Quinte and the police.

10. I also want the return of my hand notes that were never returned to me by Quinte.

11. Transcripts of the three bail hearings: May 19, May 20, May 24.

12. On the night of May 13, the constables who responded to my 911 were Constable Slack (badge number 324) and Constable P.C. Williams (badge number 336). Constable Slack said he had read a report on me prior to responding to the 911 call. I want them to disclose that report as well.

If the police refuse to disclose any of the above than I ask that you bring a motion for this disclosure so they are forced to disclose by Court Order.

It is important that you take care of this immediately, David. I will need this documentation if the police do not drop the charges. I found a human rights lawyer and I will go after them for malicious prosecution and abuse of power if they do not drop the charges. My human rights lawyer has found at least a dozen severe violations by the police and hospital. He sees great prospects in the case and I have also secured funding from family and friends to fight a prolonged legal battle if need be.

The tide is turning, David. Detective Diane McCarthy, my human rights lawyer tells me, will be in serious trouble if she proceeds.  
Please confirm as soon as you send the request to the police.

Regards,

Kevin Galalae

I could easily point out a few more departures from due process on your part and professional violations but that will have to suffice for now.

Since you did not provide my full file, did not work for me and did not pursue my best interests, collaborated with the Crown in withholding the evidence, acted in bad faith and contrary to your professions' standards and the law in order to convict me of offences I did not commit, pursued the interests of Kingston's legal and political establishment in order to hide the mechanisms of the coordinated attack on me, and gave misleading legal advice in order to protect the Crown, police and hospital from a lawsuit, I will not only not pay you a dime more than I have already paid you I will also seek reparation and your indictment for corruption and other charges. You are a disgrace to your profession and the Kingston legal establishment can only be described as a nest of organized legal criminals. The latest evidence of this is the refusal by the Court Reporter's Office to issue copies of the transcript from my court proceedings. This is meant to ensure that I cannot appeal my conviction and then take my case to a court outside Kingston where the outcome cannot be predetermined.

The only stakeholders "satisfied" with the outcome of your work is those on whose behalf you have been working. The fruits of your labour have brought me 34 days in prison, a conviction for five offences I did not commit, a two-year probation, the loss of my job and financial ruin, the loss of my reputation and my marketability and, most importantly, my forced separation from my children. You can rest assured that I

will not fail to seek and receive compensation from you and your co-conspirators, even if it takes me a lifetime. You and your co-conspirators have hurt my children and that I will never forgive or forget.

I hope this answers your questions to your full satisfaction. If not I will be more than happy to elaborate when I have the time.

Please note that this letter has been CCed to Canada's Minister of Justice, the Honourable Mr. Nicholson, and to Ontario's Attorney General, the Honourable Mr. John Gerretsen, who is a Kingston local and intimately familiar with his hometown. The letter has also been BCCed to a website publisher and a human rights organization and sent to dozens of supporters worldwide.

I am also sending you the link to my petition which is growing from day to day (<http://freedom-in-education.org/6.html>). This should be a warning to you and others in Kingston that the world is watching and that sooner or later you and your co-conspirators will have to answer for your actions in a court of law where the outcome is not predetermined.

Sincerely,

Kevin Galalae