

ONTARIO JUDICIAL COUNCIL

CITATION: *Re Justice Paul Currie*, 2026 OJC 2
DATE: 20260113

IN THE MATTER OF A HEARING UNDER SECTION 51.6 of the *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C. 43, as amended

Concerning a Complaint about the Conduct of the Honourable Justice Paul Currie (formerly Regional Senior Justice Paul Currie)

Before:

Justice Paul Rouleau, Chair
Court of Appeal for Ontario

Justice Christine Pirraglia,
Ontario Court of Justice

Ena Chadha,
Lawyer Member

Peter Woolstencroft,¹
Community Member

Hearing Panel of the Ontario Judicial Council

Restriction on Publication

The hearing panel has ordered that no one shall publish or broadcast the name of the primary witness or information that would identify the primary witness.

¹ Peter Woolstencroft was appointed to the Hearing Panel by Chief Justice Nicklas to replace Jovica Palashevski, who resigned from the Ontario Judicial Council effective July 1, 2025.

REASONS FOR DECISION

Counsel:

Justice Paul Currie, Self-represented

Erin Dann, Counsel Appointed by the Hearing Panel to Conduct the Cross-Examination of the Primary Witness

Gerald Chan and Alexandra Heine, Presenting Counsel

Daniel Goldbloom and Alexa Klein, Counsel for the Primary Witness

Heard: November 18, 19, 20, 21, 24, 27.

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I. BACKGROUND

[1] A review panel of the Ontario Judicial Council ("Council") directed that a hearing be held under s. 51.6 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43 ("CJA"), regarding a complaint about the conduct of Regional Senior Justice Paul

Currie² of the Ontario Court of Justice. The complaint was received from then-Chief Justice Lise Maisonneuve of the Ontario Court of Justice³ on April 12, 2023.

[2] The complaint letter informed the Council that Justice Currie had been charged with one count of assault causing bodily harm pursuant to s. 267(b) of the *Criminal Code*, R.S.C. 1985, c. C-46, and one count of assault contrary to s. 266 of the *Criminal Code*. The charging documents were appended to the complaint letter. The former Chief Justice advised that she was bringing this matter “to the attention of the Council as I am required by s. 51.3 of the *Courts of Justice Act*”.⁴

[3] The name of the alleged victim of the conduct underlying the criminal charges against Justice Currie and information that would identify this person are subject to a publication ban imposed by the hearing panel. In these reasons, and throughout the public record of these proceedings, this individual is referred to as the “primary witness” or “A.A.”.⁵

[4] In June 2023, the criminal charges against Justice Currie were withdrawn by the Crown on the ground that there was no reasonable prospect of conviction.

² Justice Currie’s term as Regional Senior Judge of the Central West Region of the Ontario Court of Justice ended on August 31, 2025.

³ Chief Justice Maisonneuve’s term as Chief Justice ended on May 31, 2023, when Chief Justice Sharon Nicklas assumed the role of Chief Justice of the Ontario Court of Justice.

⁴ Section 51.3(2) of the *CJA* provides: “If an allegation of misconduct against a provincial judge is made to a member of the Judicial Council, it shall be treated as a complaint made to the Judicial Council.”

⁵ See the panel’s Interim Ruling dated March 17, 2025.

[5] After the criminal proceedings had concluded, the complaint to the Council was investigated by a two-person complaint subcommittee, consisting of one judge of the Ontario Court of Justice and one community member of the Council.⁶ The investigation included witness interviews and written responses provided by Justice Currie to the complaint subcommittee.

[6] Pursuant to s. 51.4(8) of the *CJA*, the subcommittee made an interim recommendation to a regional senior judge that Justice Currie be suspended with pay pending the final disposition of the complaint. The interim recommendation was accepted, and Justice Currie is currently suspended with pay pending the final disposition of this complaint.⁷

[7] The complaint was subsequently ordered to a hearing under s. 51.6 of the *CJA* by a four-person review panel, consisting of two judges of the Ontario Court of Justice, one lawyer member and one community member of the Council.⁸

[8] In accordance with the Council's Procedures Document, a Notice of Hearing⁹ was prepared, setting out, among other things, the particulars of the allegations against Justice Currie that were ordered to a hearing: rr. 17.1-17.2.

⁶ See s. 51.4 of the *CJA*.

⁷ This information is posted on the Council's website in accordance with r. 18.3 of the Council's Procedures Document.

⁸ See rr. 10.1 and 12.6 of the Council's Procedures Document.

⁹ In our Interim Ruling of March 17, 2025, the panel rejected Justice Currie's position that the hearing panel only has jurisdiction to consider the allegations in the letter of complaint and has no jurisdiction to consider the sexual assault allegation because it was not referred to in the letter of complaint: see paras. 46-52.

[9] The allegations of misconduct, which are included in Appendix A to these reasons, may be summarized as follows:

- (1) On or around January 11, 2023¹⁰, Justice Currie engaged in non-consensual sexual intercourse with A.A. and physically assaulted A.A. causing bodily injury.
- (2) On or around April 5, 2023, Justice Currie pushed A.A., causing bodily injury. A.A. called 911. Justice Currie left prior to the arrival of the police.
- (3) On April 6, 2023, Justice Currie engaged in conduct that was – or could be perceived as – an attempt to influence A.A. to decline to give a statement to the police.
- (4) On April 6, 2023, a warrant for Justice Currie’s arrest was issued. Justice Currie did not surrender into custody for 5 days following the issuance of the warrant.
- (5) Having been informed that the Ontario Judicial Council was investigating a complaint about his conduct, Justice Currie engaged in conduct that was – or could be perceived as – an attempt to dissuade A.A. from cooperating with the Council’s investigation.
- (6) Justice Currie’s conduct towards A.A. in the January and April 2023 incidents was related to his alcohol consumption and anger management issues. Justice Currie has consumed beer on multiple occasions while driving.

[10] The hearing panel convened on February 24, 2025 to conduct an initial set-date appearance, to address the primary witness’s request for a publication ban, and to hear three interim motions filed by the parties. In our interim ruling dated

¹⁰ The uncontested evidence at the hearing was that this allegation related to an incident on January 15, 2023.

March 17, 2025, hearing dates were confirmed for April 14, 15, 24, 25 and June 4, 5, 6 and 27, 2025.

[11] Subsequently, counsel for Justice Currie, Brennan Smart, filed a motion to adjourn the hearing because of health issues affecting Justice Currie that prevented him from effectively participating in the hearing. The motion was heard on April 9, 2025. Presenting counsel did not oppose the adjournment request. The hearing panel agreed to adjourn the hearing and new dates were reserved for November 2025.

[12] On October 9, 2025, Mr. Smart wrote to the Registrar of the Council to advise that Justice Currie had discharged him as legal counsel. A case management conference was conducted on October 15, 2025, during which Mr. Smart was removed as counsel of record for Justice Currie. At this appearance, Justice Currie confirmed that he intended to proceed as a self-represented party in these proceedings.¹¹

[13] Given the nature of the allegations, the hearing panel appointed an independent lawyer, Erin Dann, to conduct the cross-examination of the primary witness (“appointed counsel”).¹²

¹¹ Rule 16.1 of the Council’s Procedures Document confirms that a judge “has the right to be represented by counsel, or to act on his or her own behalf, in any hearing”.

¹² Further details regarding this appointment are set out in our ruling released on January 9, 2026.

[14] A week before the hearing on the merits, appointed counsel sought directions on whether screenshots of text messages between Justice Currie and the primary witness, intended for use in cross-examination, were “private records”, subject to the panel’s March 17, 2025 ruling, and, if so, whether they were admissible. In the days leading up to the hearing, the panel received written submissions from appointed counsel, Justice Currie, and presenting counsel.

[15] After determining that most of the screenshots were private records, the hearing panel invited and received written and oral submissions on the issue of admissibility. Following an *in camera* admissibility hearing, we delivered an oral decision allowing the use of all text messages, other than those that were withdrawn, with written reasons to follow. The panel’s written ruling on these issues was released on January 9, 2026.

[16] The hearing on the merits proceeded on November 18, 19,¹³ 20, 21, 24, and 27, 2025. The panel heard testimony from the primary witness, three police officers, the former acting Crown Attorney for Wellington County, and from Justice Currie himself.

¹³ The *in camera* admissibility hearing regarding the text messages was conducted on the morning of November 19, 2025. Evidence in the hearing continued in the afternoon.

[17] The panel received written submissions from presenting counsel and Justice Currie on November 26, 2025. Supplementary oral submissions were made before the panel on November 27, 2025.

[18] For the reasons that follow, the hearing panel is unanimous in concluding that five of the six allegations in the Notice of Hearing have been established on a balance of probabilities, and that the test for judicial misconduct has been met in relation to these allegations. Accordingly, the hearing panel concludes that a disposition under s. 51.6(11) of the *CJA* is necessary to restore confidence in the administration of justice.

II. TEST FOR JUDICIAL MISCONDUCT

[19] The hearing panel's role in these proceedings is to determine whether the allegations, if proven on a balance of probabilities, should result in a finding or findings that Justice Currie engaged in misconduct. If a finding of misconduct is made, the hearing panel may impose a disposition, or combination of dispositions, under s. 51.6(11) of the *CJA*.¹⁴ The term "misconduct", as found in s. 51.6(11), is not defined in the Act.

¹⁴ Section 51.6(11) states:

51.6(11) After completing the hearing, the Judicial Council may dismiss the complaint, with or without a finding that it is unfounded or, if it finds that there has been misconduct by the judge, may,

- (a) warn the judge;
- (b) reprimand the judge;
- (c) order the judge to apologize to the complainant or to any other person;

[20] The hearing panel found helpful the discussion of judicial misconduct in the reasons of the Council's hearing panel in *Re Evans* (OJC, 2004). The panel in *Evans* found guidance in the reasons of the Supreme Court of Canada in *Therrien (Re)*, 2001 SCC 35, [2001] 2 S.C.R. 3, where the Court discussed the role of the judge in Canadian society. We would paraphrase the salient portions of paras. 108-111 from *Therrien* as follows:

- The judicial function is absolutely unique. Our society assigns important powers and responsibilities to the members of its judiciary, including settling disputes between parties, preserving the balance of constitutional powers between provincial and federal governments, and interpreting and applying the *Canadian Charter of Rights and Freedoms*.
- Accordingly, the personal qualities, conduct and image that a judge projects affect those of the judicial system as a whole and, therefore, the confidence that the public places in it. Maintaining confidence on the part of the public in its justice system ensures its effectiveness and proper functioning, and promotes social peace by maintaining the rule of law.
- A factor capable of undermining public respect and confidence is any conduct of judges, in and out of court, demonstrating a lack of integrity. Judges should, therefore, strive to conduct themselves in a way that will sustain and contribute to public respect and confidence in their integrity, impartiality, and good judgment.
- The public demands virtually irreproachable conduct from anyone performing a judicial function. It will at least demand that they give the

(d) order that the judge take specified measures, such as receiving education or treatment, as a condition of continuing to sit as a judge;
(e) suspend the judge with pay, for any period;
(f) suspend the judge without pay, but with benefits, for a period up to thirty days; or
(g) recommend to the Attorney General that the judge be removed from office in accordance with section 51.8.

appearance of being an example of impartiality, independence and integrity. What is demanded of the members of the judiciary is something far above what is demanded of their fellow citizens. Tradition requires the greatest restraint, the greatest propriety and the greatest decorum from judges.

[21] The panel in *Evans*, presided over by Justice Louise Charron, observed that the analysis in *Therrien*, at paras. 108-111, makes clear that “a wide spectrum of conduct may constitute misconduct deserving of reprobation” (at para. 5). The panel explained that this is consonant with s. 51.6(11) of the *CJA*, which contemplates a range of possible sanctions that a panel may impose following a finding of misconduct. The available sanctions vary in severity and include a warning or reprimand, a requirement to apologize or engage in counselling or training, a suspension (with or without pay), and a recommendation for removal from office.

[22] The panel in *Evans* concluded, based on this range of sanctions, that “there may be instances of judicial misconduct ranging from conduct that is more minor in nature, meriting a warning or a reprimand, to conduct that is so serious that it warrants removal from office” (at para. 6).

[23] In *Therrien*, at para. 147, the Supreme Court described the kind of conduct that would warrant the most severe sanction, a recommendation that a judge be removed from office, as follows:

[B]efore making a recommendation that a judge be removed, the question to be asked is whether the conduct for which he or she is blamed is so manifestly and totally contrary to the

impartiality, integrity and independence of the judiciary that the confidence of individuals appearing before the judge, or of the public in its justice system, would be undermined, rendering the judge incapable of performing the duties of his office. [Citations omitted.]

[24] In several past decisions of the Council, hearing panels described the test for judicial misconduct with reference to the test for recommending removal from office established in *Therrien*: see e.g., *Re Baldwin* (OJC, 2002), at p. 9; *Re Douglas* (OJC, 2006), at para. 8; and *Re McLeod* (OJC, 2018), at paras. 70-71.¹⁵ On this view, a disposition under s. 51.6(11) of the *CJA* could be considered only if the misconduct was of such a severity that it might warrant a recommendation for removal.

[25] In our view, the more flexible approach to misconduct in *Evans* better reflects the broad range of dispositions that the Council's hearing panels may adopt under s. 51.6(11) of the *CJA*.

[26] We are fortified in this view having regard to r. 22 of the Council's Procedures Document. This provision, adopted by the Council in June 2022, sets out the test that hearing panels should apply in determining whether a judge has engaged in misconduct:

¹⁵ As stated in *Baldwin*, at p. 9:

[T]he question under s. 51.6(11) is whether the impugned conduct is so seriously contrary to the impartiality, integrity and independence of the judiciary that it has undermined the public's confidence in the ability of the judge to perform the duties of office or in the administration of justice generally ... It is only when the conduct complained of crosses this threshold that the range of dispositions in s. 51.6(11) is to be considered.

22.1 To ensure that the Council may address misconduct of varying degrees of severity as contemplated by ss. 51.6(11)(a)-(g) of the *Courts of Justice Act*, the Council has adopted the following test for judicial misconduct that should be applied by Hearing Panels.

22.2 (1) If the Hearing Panel finds that

- (a) some or all of the alleged conduct has been proven on a balance of probabilities, and
- (b) some or all of the proven conduct is incompatible with judicial office,

the Hearing Panel shall make a finding that the judge has engaged in judicial misconduct.

(2) In determining whether the proven conduct is incompatible with judicial office, the Hearing Panel shall consider all the circumstances, including:

- (a) whether the conduct is inconsistent with the *Principles of Judicial Office* and/or any standards of conduct established by the Chief Justice of the Ontario Court of Justice and approved by the Judicial Council under s. 51.9(1) of the *Courts of Justice Act*;
- (b) whether the conduct is contrary to the impartiality, integrity, and/or independence of the judiciary;
- (c) whether the conduct undermines the public's confidence in the judge's ability to perform the duties of office; and
- (d) whether the conduct undermines the public's confidence in the administration of justice generally.

[27] The full Council has adopted r. 22 and we see fit to apply the test for misconduct found in that rule. In our view, to the extent that the decisions of prior

hearing panels describe a different threshold for finding judicial misconduct, they ought not to be followed.

[28] We have also been guided by the ethical principles applicable to members of the judiciary, set out in the *Principles of Judicial Office for Judges of the Ontario Court of Justice*, and the Canadian Judicial Council's *Ethical Principles for Judges* (2021). These principles, while not prescriptive, reflect the public's expectation that members of the judiciary should exhibit the highest standards of personal and professional conduct.¹⁶

[29] Impugned judicial conduct need not have occurred during the exercise of the judge's official duties to qualify as misconduct. Judges are expected to conduct themselves in an exemplary fashion not just in the courtroom but outside of it as well. They must maintain their personal conduct at a level that will ensure the public's trust and confidence.¹⁷

III. ONUS AND STANDARD OF PROOF

[30] Presenting counsel bears the onus of establishing the allegations of misconduct on a balance of probabilities. Justice Currie is presumed not to have engaged in any judicial misconduct unless the evidence establishes otherwise.

¹⁶ In 2023, pursuant to s. 51.9(1) of the *CJA*, the Canadian Judicial Council's *Ethical Principles for Judges* were formally approved by the Ontario Judicial Council as forming part of the ethical standards of conduct applicable to members of the Ontario Court of Justice bench.

¹⁷ Ontario Court of Justice, *Principles of Judicial Office*, Principle 3.1; *Principles of Judicial Office*, Principle 1.2; *Ethical Principles for Judges*, Principle II.A.

[31] As indicated in r. 22.2(1)(a) of the Council's Procedures Document, the standard of proof required to establish judicial misconduct is the civil standard of proof, the balance of probabilities, rather than the criminal standard of proof, beyond a reasonable doubt. The balance of probabilities standard will be satisfied if it is more likely than not that the alleged misconduct occurred.

[32] A finding of misconduct in this context requires clear and convincing proof based on cogent evidence: *F.H. v. McDougall*, 2008 SCC 53, [2008] 3 S.C.R. 41, at para. 46; see also *Evans*, at para. 8, and *Douglas*, at para. 10.

[33] The Supreme Court in *F.H.* clarified, at paras. 85 and 86, that the steps for evaluating evidence outlined in its decision in *R. v. W.(D.)*, [1991] 1 S.C.R. 742, do not apply outside of the criminal context:

The *W.(D.)* steps were developed as an aid to the determination of reasonable doubt in the criminal law context where a jury is faced with conflicting testimonial accounts. Lack of credibility on the part of an accused is not proof of guilt beyond a reasonable doubt.

However, in civil cases in which there is conflicting testimony, the judge is deciding whether a fact occurred on a balance of probabilities. In such cases, provided the judge has not ignored evidence, finding the evidence of one party credible may well be conclusive of the result because that evidence is inconsistent with that of the other party. In such cases, believing one party will mean explicitly or implicitly that the other party was not believed on the important issue in the case. That may be especially true where a plaintiff makes allegations that are altogether denied by the defendant as in this case. *W.(D.)* is not an appropriate tool for evaluating evidence on the balance of probabilities in civil cases.

[34] An administrative tribunal is not constrained to accept the evidence of either party in its totality: *College of Physicians and Surgeons of Ontario v. Beitel*, 2013 ONSC 1599, at para. 30. The question is whether, on the whole of the evidence, the allegations have been proven on a balance of probabilities.

IV. APPROACH TO CREDIBILITY FINDINGS

[35] Evaluating evidence involves the assessment of a witness's credibility and reliability. Credibility refers to the honesty or sincerity of the witness. Reliability refers to the accuracy of the evidence by considering the witness's ability to observe, recall, and recount: *R. v. H.C.*, 2009 ONCA 56, at para. 41.

[36] Evaluating credibility is not a scientific process and there are no hard and fast rules to apply: *R. v. Kruk*, 2024 SCC 7, at para. 81. Ultimately, the hearing panel is entitled to accept some, none, or all of a witness's evidence. For example, the panel would be entitled to conclude that a witness misremembers certain details but is still credible and reliable on key points.

[37] In evaluating a witness's evidence, the panel may consider the following indicia:

- The witness's demeanour during examination in chief and cross-examination: *R. v. Bradshaw*, 2017 SCC 35, [2017] S.C.R. 865, at para. 19;
- The characteristics of the witness, including their ability to accurately observe, recall, and recount the events in question: *H.C.*, at para. 41;

- The consistency between the witness's testimony and what the witness has said on other occasions regarding the events in question: *R. v. M.G.*, 1994 CanLII 8733, at paras. 27-28, 93 C.C.C. (3d) 347 (Ont. C.A.), at pp. 354-55;
- The external consistency of the testimony (i.e., its consistency with other evidence, including the testimony of other witnesses). However, a witness's evidence may be credible and reliable even absent corroborative evidence: *F.H.*, at paras. 80-81;
- Whether the witness had a motive to lie or fabricate their evidence: *R. v. Laboucan*, 2010 SCC 12, [2010] 1 S.C.R. 397, at paras. 11-21; and
- Whether the testimony accords with the fact finder's general understanding of "the way things can and do happen", as determined by applying common sense and the fact finder's accumulated knowledge about human behaviour to assess whether the testimony is plausible or inherently improbable: *Kruk*, at para. 73.

[38] Notably, discrepancies in a witness's testimony, or between a witness's testimony and that of others, do not necessarily mean the witness's evidence should be discredited. No one should expect perfection or absolute consistency in testimony. That said, serious inconsistencies may give rise to global credibility or reliability concerns based on "the now-universal idea that witnesses who are inconsistent are less likely to be telling the truth": *Kruk*, at para. 73; see also *F.H.*, at paras. 57-59.

[39] The indicia of a lack of credibility on the part of a witness may include unresponsiveness to questions, a conveniently selective memory, and the refusal to acknowledge obvious yet unfavourable points: *Springer v. Aird & Berlis LLP*

(2009), 96 O.R. (3d) 325 (Div. Ct.), at paras. 18-24, aff'd 2010 ONCA 287. In some cases, the inherent improbability of the witness's story will also be a relevant factor: *F.H.*, at paras. 47-48.

V. OVERVIEW AND POSITIONS OF THE PARTIES

[40] Presenting counsel called five witnesses to testify at the hearing. These witnesses were the primary witness, referred to as A.A., three officers of the Ontario Provincial Police ("OPP") – Officers Erin Calhoun, Joseph Jennison and Cameron Chafe – and the former Acting Crown Attorney in Wellington County, Peter Keen.

[41] Justice Currie testified in his own defence. He did not call any witnesses.

[42] Presenting counsel did not call any witnesses in reply.

[43] Presenting counsel submits that this is a case of one of the most serious forms of judicial misconduct, that of engaging in illegal conduct. It is also a case of a judge placing himself above the legal process that he has sworn to serve.

[44] The proof of these allegations turns primarily on the credibility and reliability of A.A.'s evidence. [REDACTED]

[REDACTED]

[REDACTED]

[45] Presenting counsel submits that A.A.'s evidence presents a coherent narrative of events that aligns with contemporaneous records and accords with common sense.

[46] In contrast, Justice Currie submits that A.A.'s evidence in relation to the alleged sexual and physical assaults is not believable and that the hearing panel should not find on a balance of probabilities that any of his actions amount to judicial misconduct.

(1) Incident of January 15, 2023

[47] Presenting counsel relies on A.A.'s testimony that on January 15, 2023, Justice Currie had been drinking and arguing with her about text messages she had exchanged with a colleague in the past. The content of these text messages led Justice Currie to believe that A.A. was having [REDACTED]. Later that evening after she had gone to sleep, Justice Currie came into the bedroom and sexually and physically assaulted her in a rage. A.A. testified that she suffered bruising and a dislocated jaw as a result of the assault.

[48] Justice Currie testified to a very different version of the incident on January 15, 2023. He testified that he awoke that night to find A.A. staring at him, which prompted him to make a sarcastic remark about [REDACTED]. This remark led A.A. to jump on him in the bed and physically attack him in a rage. Justice Currie testified that he defended himself

from A.A.'s blows, and in so doing, pushed her off the bed and onto the floor. He categorically denied the alleged sexual assault.

(2) Incident of April 5, 2023

[49] Presenting counsel asks the panel to accept A.A.'s testimony that on the evening of April 5th, Justice Currie had been drinking and they had another argument about suspected [REDACTED]. According to A.A., after she tried to persuade Justice Currie to come to bed, she turned to leave the room and Justice Currie pushed her from behind causing her to fall and break wrist. He did not help her after the fall and instead drove away from the home knowing she had called 911.

[50] Justice Currie testified that A.A.'s fall and resulting broken wrist were not the result of an assault by him. Rather, during an argument over suspected [REDACTED], A.A. was the aggressor who moved towards him while yelling, made contact with his hand, and then fell in the other direction and lay motionless on the floor. According to Justice Currie, he did not realize she was injured. Infuriated by his sarcastic comment, "Now you are going to say you are hurt", A.A. quickly got up to call the police. Justice Currie testified that he left the home because he knew there was a good chance the police would come and charge him with assault and he feared having to spend the upcoming long Easter weekend in jail.

(3) April 6, 2023 Telephone Call to A.A.

[51] The Notice of Hearing alleges that on April 6, 2023, Justice Currie phoned A.A., accused her of calling "the cops" on him, and asked her if she knew what

they would do to him if he went to jail or was arrested. A.A. testified that Justice Currie made this call to her while she was in the hospital as a result of her fractured wrist. Presenting counsel submits that this conduct amounted to an attempt to dissuade A.A. from reporting his conduct to the police and from cooperating with the police.

[52] Justice Currie acknowledged that he called A.A. on the morning of April 6, 2023, however, Justice Currie testified that he called her to see if she was okay after having received calls from the police overnight. He denied yelling at A.A. or attempting to discourage her from speaking with the police. Justice Currie submits that the panel should not find, on a balance of probabilities, that this call was intended to prevent A.A. from speaking with police or that it amounted to judicial misconduct.

(4) June or July 2023 Telephone Calls to A.A.

[53] The Notice of Hearing further alleges that Justice Currie called A.A. in June or July 2023, after the criminal charges had been dropped, to attempt to dissuade A.A. from cooperating with the Judicial Council's investigation. In support of this allegation, presenting counsel relies on Justice Currie's acknowledgement that he phoned A.A. in this timeframe and referred to the Council as a "kangaroo court".

[54] Presenting counsel also relies on A.A.'s evidence that, in another phone call, Justice Currie accused her of telling the police that he had chased her around the house on April 5, 2023, even though there was nothing in the Crown disclosure to

suggest that A.A. or the police had reported such an allegation. According to presenting counsel, in making this call, Justice Currie was attempting to cause A.A. to lose trust in the legal system and dissuade her from cooperating with the Council's investigation.

[55] As noted, Justice Currie acknowledged having referred to the Council as a "kangaroo court" in a conversation with A.A. However, he submits that in making this remark, he had no intention of influencing A.A.'s participation in the Council's investigation. Justice Currie submits that A.A.'s disclosure of this remark to the Council is evidence of her bias in this matter.

[56] Regarding his alleged call to A.A. in June or July 2023, Justice Currie denied having yelled at A.A. or having accused her of telling the police that he had chased her around the house.

(5) Justice Currie's Failure to Promptly Surrender

[57] Presenting counsel relies on the undisputed evidence that, soon after the April 5, 2023 incident, police obtained an arrest warrant and made repeated attempts to contact Justice Currie; however, Justice Currie did not respond to phone calls from the police and did not surrender to police until the morning of April 11, 2023. Neither the Crown nor the police had agreed to delay the execution of the warrant issued on April 6.

[58] Presenting counsel submits that Justice Currie's conduct in refusing to surrender until April 11, despite his knowledge, as of April 6, that the police had been ordered to arrest him, is incompatible with and undermines the integrity required of judicial office.

[59] In contrast, Justice Currie's position is that he did not immediately surrender to police due to his fear for his safety if he were detained at Maplehurst Correctional Complex over the Easter long weekend. Justice Currie asserts that in delaying his surrender to April 11, he had no intention to obstruct justice or interfere with the criminal investigation.

(6) Justice Currie's Alleged Alcohol Consumption and Anger Issues

[60] Presenting counsel asks the hearing panel to find based on A.A.'s testimony that Justice Currie regularly consumed alcohol and was having explosive anger in late 2022 and early 2023, which she attributed to his drinking. Presenting counsel also asks the hearing panel to accept A.A.'s testimony that Justice Currie routinely consumed beer while driving. According to A.A., when she expressed concern about this conduct, Justice Currie responded that it was only "a provincial offence".

[61] In his evidence before us, Justice Currie denied ever drinking to excess or while driving. Justice Currie testified that he would not say he had anger issues but conceded in cross-examination that he would be more inclined to become angry when drinking.

VI. ANALYSIS

[62] The panel heard conflicting descriptions of how [REDACTED] the relationship between A.A. and Justice Currie ended in violence and acrimony.

[63] On the one hand, A.A. described an increasingly angry and violent Justice Currie and her ultimately unsuccessful efforts to urge [REDACTED] him to address his alcohol consumption and anger management issues.

[64] On the other hand, Justice Currie described how A.A. [REDACTED] physically attacked him and then constructed a false account portraying him as the aggressor in order to better position herself for [REDACTED] inevitable court proceedings [REDACTED].

[65] The differing accounts of A.A. and Justice Currie cannot be reconciled. We assessed their testimony holistically, against the entirety of the record before us. This assessment involved examining the internal and external consistency of their evidence and evaluating the plausibility of their respective versions in light of contemporaneous materials, including emails and letters, 911 recordings, text messages, photographs, and medical records, which were filed as exhibits. On that assessment, the hearing panel finds A.A.'s account is logical, consistent on the material points, and aligns with other evidence in the record before us. The discrepancies in her version of events are minor, peripheral, or explained, and do not bear on the substance of the core allegations. Overall, we find A.A.'s evidence to be credible and reliable.

[66] In contrast, we find that Justice Currie's account of the central allegations involving the January 15 and April 5 incidents is, at times, internally inconsistent, and is undermined by other objective evidence, including contemporaneous written communications between the parties, the audio recordings of A.A.'s calls with 911 on April 5, 2023, the police evidence regarding their observations, and A.A.'s statements on April 5. Where the two accounts conflict on material issues, we have preferred A.A.'s evidence to Justice Currie's evidence.

[67] We were careful not to approach our credibility findings as a binary assessment. Rather, we considered all the testimony given by A.A. and Justice Currie, along with the other evidence tendered at the hearing, before reaching a conclusion on the merits of each allegation.

[68] The initial dispute and assault of January 15, 2023 is the most serious of the allegations of misconduct advanced against Justice Currie. Our analysis and conclusions with respect to this incident provide an important anchor and starting point for our findings with respect to the balance of the alleged misconduct. As we will explain, in accepting A.A.'s version of the January 15 events and in rejecting Justice Currie's version, A.A.'s version of what occurred after January 15 follows logically and coherently. In contrast, Justice Currie's explanation for the events after January 15 is not or logical or coherent in many significant respects.

(1) Incident of January 15, 2023

[69] We begin this section by summarizing the conflicting testimony of A.A. and Justice Currie regarding the events of January 15, 2023. We then review the medical evidence concerning the treatment A.A. sought around that time. Next, we discuss the photographs that A.A. took of the bruises she sustained on January 15, along with two letters she sent to Justice Currie in the week following the incident. Having outlined this evidence, we go on to set out our reasons for accepting A.A.'s account of the events of January 15.

(i) A.A.'s testimony

[70] A.A. testified that, on the evening of Sunday, January 15, 2023, Justice Currie had been drinking and accused her of having an [REDACTED]. Justice Currie made this accusation after seeing some past text messages that A.A. had exchanged with her colleague during the Covid-19 pandemic. In part, the texts were about where in Italy she and her colleague should hold a strategy meeting after travel restrictions were eased.

[71] A.A. testified that after the conversation about the [REDACTED], she went to bed and went to sleep, and then woke up to Justice Currie sexually assaulting her:

I woke up feeling him pulling my legs down to the edge of the bed, and he pinned me down, and he sexually assaulted me.

And during that, he said ... Does [A.A.'s colleague] fuck you like this? And then he threw me out of the bed, and he was on top of me and he pushed my face in like this, and he said, You

got this, you got it, you got it. And then he said, Get out of my room, and locked the door.

[72] In questioning by presenting counsel, A.A. gave further details about the sexual assault, including that Justice Currie pinned her arms down, locked himself in between her legs and “had his mouth on me very hard, and then he penetrated me.” She asked him what he was doing and said “Please stop” many times, but he did not stop. She did not consent to him doing this, nor did he ask for consent.

[73] As described by presenting counsel, A.A. indicated by way of demonstration that Justice Currie grabbed and pushed down on her face with his hand covering the bottom part of her face, palm to jaw and fingers around her nose. A.A. testified that she remembered being in shock and feeling a surge of pain, primarily in her jaw. Justice Currie then got off of her, she got up, and he told her to get out of the room. She ran out and, after trying to get back in to tell him he needed help, found that he had locked the door. She went to the guest room and tried to block it with a chair.

[74] A.A. testified that her next interaction with Justice Currie was the following morning when he came into the guest room, opened the door, laid at the foot of the bed crying and saying, “I’m so, so sorry. I never meant to hurt you. I should go to jail. I should be arrested. I should lose my job. I’m so, so sorry.” According to A.A., she replied that he shouldn’t, and that he needed to get help now. She said, “I demand you get help.” He said he would and left to go to work.

[75] A.A. did not call 911 or the police about this incident.

[76] When asked to describe any injuries she suffered that evening, A.A. testified:

I had a deviated septum in my nose and a prolapsed valve here, and then I have a jaw where my teeth – well, it was dislocated, but now it is just misaligned. So I have teeth here when I talk and that has created scar tissue ...

When he pushed me out of the bed, I got bruises, because we are in a tall bed and there is hardwood floor. So I had bruises on my hips, on my buttocks, on my knees.

[77] A.A. also testified about her efforts to obtain an X-ray for her jaw following the incident. She explained that she did not want to tell her long-time family doctor about what had happened, as she “would just sob”, and so she told her doctor that she had slipped. When she was informed that her family doctor had to examine her in person before she could get a requisition for an X-ray, she instead went to see her chiropractor. However, the X-ray office advised her that chiropractors cannot order X-rays of the jaw. She ultimately got the X-ray from her dentist. She told her chiropractor and her dentist that she had been struck in the jaw by a horse, explaining that she feared she would sob and come apart if she revealed the truth. She indicated that, at that time, she “was not even close” to being able to disclose what had actually happened.

[78] A.A. was asked to describe the treatment she received in June and July 2023, and in September 2024 from pain specialists for the jaw pain she was experiencing, as well as for nasal issues. The treatment notes from two such

specialists state that A.A.'s facial trauma was the result of being the victim of [REDACTED] abuse.

[79] When asked if she reported to police in April 2023 the details of the January incident, A.A. testified that she thought she only told them that Justice Currie had hurt her. She explained why she did not tell police the full extent of what happened in January:

Because I knew he would go to jail. I mean, I knew it would be horrible news for him and [REDACTED]. You know, I know how egregious that is, and I honestly think that something happened to his brain. I really do. And I think it was just over maybe years, you know, where he just progressively got angrier and more rageful and darker.

[80] In cross-examination, A.A. was asked if, during a retreat in February 2023, she told a healer or a therapist that she had been raped. A.A. confirmed that she had, and testified that she had spoken to others before that. She also confirmed that she told the therapist that the morning after the incident, Justice Currie was deeply apologetic and that she told him that the next time he touched her, she would call 911, and he responded, "And so you should".

[81] In re-examination, A.A. clarified that in February 2023, she went to a yoga retreat in Connecticut. She was in a workshop called "Healing from Trauma", when she broke down. She then followed a recommendation to see a counsellor in a one-on-one session. She disclosed the January 2023 sexual assault to the

therapist. A.A. had never met the therapist before, and the therapist was not part of her circle of family or friends.

(ii) Justice Currie's testimony

[82] Justice Currie testified that at the end of 2022, he and A.A. found themselves “in the throes of [REDACTED].” According to Justice Currie, they fell “into accusations and recriminations of each other about [REDACTED] and the relationship continued to sour.”

[83] Justice Currie testified that in this time frame, he was involved with another person and he thought that A.A. “was either suspicious or aware of that”.

[84] Justice Currie's evidence was that sometime just after New Year's Day in 2023, he was using A.A.'s phone and ran across a New Year's Eve greeting from A.A. to a work colleague, accompanied by a heart emoji. He looked to see if there were other messages to the same person and found an earlier message that said, “How is my man?”, and one that said “I found us a villa” in Italy. These messages led Justice Currie to conclude that A.A. had been [REDACTED]. He testified that this became “the subject of a fairly constant argument” between them.

[85] Justice Currie testified that on two or three occasions in early January 2023, he was in bed asleep and woke up to see A.A. standing over him beside the bed and staring at him, which he found odd. Justice Currie testified that on one such

occasion, A.A. asked him if [REDACTED]

[REDACTED].

[86] On the night of January 15, he was asleep and woke up once again to see A.A. standing there staring down at him. She looked “a little angry”. He said words to the effect of “Is that what you and genius boy [a reference to A.A.’s colleague] do to get off?”. According to Justice Currie, this comment made A.A. furious:

She flew into a rage and was screaming at me and yelling at me and hitting me with her hands. She got on the bed on top of me and was hitting me with her hands around my shoulders and head area. I was trying to fend her off with my hands, pushing her away, telling her to stop.

I managed to push her off of me onto the side, to the right side of me, and managed to push her out of the bed onto the floor. I got out of the bed, picked her up from the floor, took her to the door ... which was to the front of the bed and then off to our left. I pushed her out the door, locked the door, and that was the end of that physical encounter.

She went to the other bedroom, I gather. We both slept the rest of the night or stayed the rest of the night in our respective bedrooms.

[87] Justice Currie testified that the next morning, he went to see A.A. and they were both emotional:

The next morning, I did go in to see her. We were both emotional. It was – it was a traumatic event for both of us, the fact that we had been reduced to physical – we had been reduced to a wrestling match, which was pathetic for a couple of otherwise educated and intelligent and world-wise [REDACTED]. It was ridiculous that we should have ended up in that situation.

And we talked about that that morning. We both cried, and we both said we would never let ourselves get back in that kind of a situation again.

And that was pretty much the last I heard of that incident until quite a bit later.

[88] According to Justice Currie, he first learned of A.A.'s allegation of rape in or around April 2024. He testified, "had I ever heard of any such complaint at any time before that, ... I would have denied it absolutely the moment I heard."

[89] Justice Currie was asked in cross-examination whether, at the time of the January 15 incident, he felt angry about the [REDACTED]. Justice Currie was adamant that, rather than feeling angry about A.A.'s suspected [REDACTED], he "really was more relieved about that than anything else", given his own [REDACTED]. He explained that his hope was that their [REDACTED] problem could be resolved amicably and [REDACTED]. Justice Currie also repeatedly denied in cross-examination that A.A.'s suspected [REDACTED] was something he thought about a lot at the time, or even during the night of January 15 when he woke up and saw A.A. staring at him.

[90] In cross-examination, Justice Currie denied having raped A.A.: "I did not rape [A.A.]. I would not rape [A.A.], or anybody. It just didn't happen." Also in cross-examination, Justice Currie acknowledged that when he pushed A.A. off the bed, it was not a light shove. He further acknowledged that he may have put his hand

on A.A.'s face while he was trying to get her off of him, but he denied having pressed down forcefully on her jaw.

(iii) Medical records

[91] As noted above, A.A. testified that during the January 15 incident, Justice Currie dislocated her jaw by pushing his hand against her face while she was on the floor. Presenting counsel entered as an exhibit extensive medical records from various health practitioners who treated A.A. These records were the subject of significant cross-examination by counsel appointed to conduct the cross-examination of A.A.

[92] There is an indication in osteopathic medical records dated January 3 and 10, 2023, that A.A. had pre-existing "Right side of the jaw tenderness and swelling". However, the balance of the medical records from January 2023 indicate that whatever jaw issue A.A. may have had prior to January 15, she was experiencing new jaw pain that led her to seek an X-ray later that month.

[93] The chiropractic and the dental records include the following statements:

- Note from chiropractor, dated January 26, 2023: "**Right jaw** last week – hit in right face by horse's head, pain with jaw opening, yawn, chewing (non ltd motion, no locking)" [Emphasis in original.]
- Note from chiropractor, dated January 27, 2023: "spoke with [A.A.] – she shared pain has worsened. We discussed and I requisitioned a Mandible / jaw xrays – faxed report to medical imaging Jan 27, 2023. OMI reported that a chiro cannot order a jaw imaging series and therefore told AA to see her family physician."

- Note from dentist, dated January 30, 2023: “2 weeks ago, got struck by a horse in her jaw. Minimal pain but her bite feels off. Went to her chiropractor & had her neck adjusted and was told to come to her dentist for assessment. Dr. ... exam – TMJ pain in the right masseter muscle. [Patient reports] pain on #16 area. ... Seems more of a muscle issue, soft tissue muscle. Injury may take 4-6 weeks to heal ...

Referral ... regarding trauma to the Right Jaw from a horse. Please check for fractured jaw at patient’s request + check #16 for possible injury.

Upon palpation, no signs of fractures or mobilities, no percussion sensitivity, no existence of jaw fracture.”

[94] A.A. testified about seeing two pain specialists in June and July 2023, as well as a head and neck surgeon in September 2024. In a report dated June 5, 2023, one of the pain specialists wrote:

This January dislocated her jaw via [REDACTED] abuse and on examination it is subluxing. She is no longer [REDACTED].

[95] The report from the head and neck surgeon states:

I had the pleasure of assessing [A.A.] on 30-Sep-2024 regarding chronic left sided nasal obstruction. Sadly, she was assaulted by [REDACTED] back in 2023 and facial trauma was perpetrated.

(iv) Photographs A.A. took of her bruises

[96] Presenting counsel also introduced into evidence four photographs that A.A. took of her bruises, one of which was taken on January 18 and three of which were taken on January 20, 2023. A.A. testified that she took the photos of the bruises to show Justice Currie, because she wanted him to get help, but Justice Currie declined to look at the photos at the time.

[97] When Justice Currie was asked in cross-examination if he saw the bruises on A.A.'s body after January 15, he testified:

I did not. She didn't show them to me. I don't know why she took pictures to show me. She could have just showed me her knees if she had bruises on her knees. I don't remember her showing them to me, no.

(v) January 20 and 24 letters from A.A. to Justice Currie

[98] A.A. sent two letters to Justice Currie shortly after the incident on January 15. The first letter was sent as an attachment to an e-mail dated January 20. The letter states in part:

I have to leave, since I have realized that I am enabling your behaviour by staying.

What you said last night to me is so deeply disturbing and offensive, I really don't know where to go from here. The fact that you really do think that I have had [REDACTED] is an insult to my very being. The fact that you are unaware of how horrible and egregious things became Sunday night scares me deeply, and that you don't recognize that you urgently need professional help with dealing with your rage. I am still dealing with pain and my teeth bite is still out of alignment. What concerned me the most is that all you think is that you threw me out of bed, I don't think you remember anything before or after that.

Last night I was listening to you talking about your court case thinking "this could have been us" if I had dialed 911. I don't even think that thought has even occurred to you.

[99] The letter ends with the following:

My two requests are:

1. That you stop drinking, I truly believe this contributes to your darkness.

2. That you seek professional help immediately, medically, and psychologically.

[100] A.A. sent a second letter to Justice Currie on January 24, as an e-mail attachment. On A.A.'s evidence, she wrote this letter after another confrontation with Justice Currie that occurred after she saw him in a car with another woman.

A.A. testified that Justice Currie told her [REDACTED] [REDACTED]. According to A.A., Justice Currie told her that he shared with this woman what had happened between him and A.A. on January 15.

[101] In the January 24 letter there are, once again, references to the violent events of January 15. The letter states in part:

When you told me that you [REDACTED] [REDACTED] resulted in me feeling violated and lost in our relationship.

The fact that you have no empathy for me, that you cannot see the impact this has had on me is so deeply sad.

I think about what our [REDACTED] would think about this if they knew? Do you ever think about that?

Last night you said you want to complete the past, stop talking about the past and move on. That you don't need therapy or counselling etc.

But I am lost and in pain physically and emotionally, I have these reminders on my body and face, and [REDACTED] [REDACTED]. I don't know how to just happily move on and just forget about what happened and who you were being in over [REDACTED] and last Sunday was the biggest breakdown of

my life. [REDACTED]
[REDACTED]

I feel like a fraud! [REDACTED]
[REDACTED]

I used to
declare to everyone that I had the most brilliant [REDACTED]
[REDACTED], but now I feel like a hypocrite and
a fraud.

(vi) Findings

[102] In this section of our reasons, we first explain the limited weight we assign to the medical evidence in evaluating the credibility of A.A. and Justice Currie and the reliability of their conflicting accounts of the January 15 events. We then assess the significance of the photographs A.A. took of her bruises on January 18 and 20, and the letters she wrote to Justice Currie on January 20 and 24. Next, we consider A.A.'s selective disclosure of the sexual assault in the weeks following the incident.

[103] We proceed to identify internal inconsistencies in Justice Currie's evidence and the implausibility of his account of key events. We also make findings on demeanour and other indicators of credibility based on our observations of A.A. and Justice Currie during their testimony. We then explain why we do not find Justice Currie's submissions urging us to reject A.A.'s evidence to be persuasive. Finally, we explain why the allegations in the Notice of Hearing regarding the January 15 incident have been proven and support a finding of judicial misconduct.

(a) Significance of the medical records

[104] The thrust of the cross-examination of A.A. on the medical records was directed at establishing that A.A. exaggerated the nature of the injury to her jaw

and that she was falsely attributing this injury to Justice Currie's conduct on January 15. Our assessment is that, although the cross-examination of A.A. on the medical records showed she was mistaken in testifying that her jaw was dislocated as a result of the January 15 incident, this did not detract from her overall credibility or reliability on any material point in issue before us.

[105] Justice Currie submits that A.A.'s evidence about her jaw being dislocated as a result of the attack is not supported by the medical records. He submits that the records show that she was complaining of soreness in her jaw on January 3, 2023, and that the records reflect that her jaw was not dislocated and there was no pathological problem with her jaw.

[106] Although the X-ray results confirm that A.A. did not suffer a broken jaw as a result of the incident, a January 30, 2023 note from A.A.'s dentist states that her jaw pain was likely caused by a muscle-related injury, which "may take 4-6 weeks to heal". We therefore cannot agree with Justice Currie's written submission that because the X-ray did not show a broken jaw, "there was no pathological problem" affecting A.A.'s jaw following the January 15 incident.

[107] We have considered the fact that, when A.A. initially sought the jaw X-ray in January 2023, she provided an innocent explanation for the injury, namely that she had been struck by a horse. We accept her testimony that she did not want to tell her dentist what had happened because doing so would cause her to "cry and

come apart”. She further explained that she also did not tell her chiropractor at that time because, “in that moment” she “was just not even close to being able to do that.”

[108] In the end, we place little weight on the medical records in assessing the veracity of the differing accounts of what occurred on January 15. Notably, A.A. may have suffered an injury to her jaw on either account, whether from having her face pushed down as A.A. testified, or from Justice Currie putting his hand on A.A.’s face while he tried to push her off of him, as Justice Currie acknowledged might have occurred. The only significance we attach to the medical records is that they are consistent with A.A.’s testimony that she sought medical attention for jaw pain in the days following the January 15 incident.

(b) A.A.’s photographs and letters

[109] As noted, A.A. took photographs on January 18 and 20 of the bruises on her body and also sent two letters to Justice Currie on January 20 and 24, 2023, which discuss the January 15 incident, amongst other things.

[110] Justice Currie submits that A.A.’s version of events is not supported by the photographs she took of her bruises. He submits that there were no bruises to her arms or wrists, even though A.A. testified that he immobilized her by holding her hands at her sides. He contrasts the lack of bruising on her arms and wrists with the substantial bruising caused to her elbow by medical personnel on April 5, 2023 “when presumably those medical personnel were being as gentle as possible.”

Justice Currie further points to the absence of bruising on A.A.'s face or jaw area, despite her allegations that Justice Currie forcibly grabbed and pushed her in those areas.

[111] The photographs taken on January 18 and 20 do not capture A.A.'s arms, wrist, or face. However, A.A. agreed in cross-examination that she did not have bruising on her arms and there were no visible injuries to her face.

[112] We find that the fact that A.A. had bruises following January 15, which she documented in photographs on January 18 and 20, does not significantly assist the panel in assessing the differing versions of the incident on January 15. On both versions of this incident, A.A. could have suffered bruising of the type depicted in the photographs after Justice Currie pushed her off the bed and onto the floor. As noted, Justice Currie acknowledged in his evidence that he had pushed A.A. off the bed. He also accepted as true presenting counsel's suggestion that the push was not "a light shove".

[113] We also do not find persuasive Justice Currie's submissions about the significance of the absence of bruising on A.A.'s arms, wrists and face. Bruising can vary significantly, and the alleged conduct would not necessarily leave external marks. Moreover, as noted, A.A. did not take photographs of these areas. Accordingly, we do not accept that the absence of documented bruising to A.A.'s arms and face undermines her account of the January 15 incident.

[114] More significant to our assessment than the January 18 and 20 photographs of A.A.'s bruises is her testimony about why she took them. A.A. testified that she documented the bruises because she "wanted him to get help" and she wanted "to confront him", but he just "wanted to move on" and declined to look at them.

[115] We find that A.A.'s testimony on this point is consistent with her other conduct following January 15, namely, writing the two letters to Justice Currie describing her emotional and physical pain, expressing her concerns for him, and urging him to seek help. In the letter that A.A. sent to Justice Currie on January 20, 2023, A.A. opened by saying she needs to leave because her staying was "enabling [his] behaviour". A.A. referred to the events of January 15 as "horrible and egregious", referring to Justice Currie's "rage" and noting that she was "still dealing with pain and my teeth bite is still out of alignment". Also expressed in the letter was A.A.'s concern about Justice Currie's incomplete memory of what occurred that night: "What concerned me the most is that all you think is that you threw me out of bed, I don't think you remember anything before or after that." A.A. expressed alarm that Justice Currie did not recognize the need to seek urgent professional help to deal with his rage, and she urged him to stop drinking and get immediate help.

[116] The content of A.A.'s second letter, dated January 24, also aligns logically and coherently with her account of the events of January 15. In that letter, she refers to being "lost and in pain physically and emotionally" and having "these

reminders on my body and face". She describes January 15 as "the biggest breakdown of my life. [REDACTED]

[117] In explaining what she meant by the statement in the January 24 letter that she felt "like a fraud", A.A. testified as follows:

[REDACTED]

[118] To be clear, we have treated these letters not as proof of A.A.'s truthfulness, but rather as part of the evidentiary context relevant to understanding A.A.'s contemporaneous response to these events.

[119] We find that A.A.'s conduct in sending Justice Currie the January 20 and 24 letters is extremely difficult to reconcile with Justice Currie's evidence regarding the January 15 incident. Justice Currie testified that A.A. was the aggressor and he was forced to defend himself from her violent physical attack.

[120] In cross-examination, Justice Currie acknowledged having received the January 20 and 24 letters and having read them at the time. When asked to explain why, if the contents of the letter were inaccurate, he did not respond to the letters and provide his alternate version of the events of January 15, Justice Currie testified that he knew the January 24 note was written by A.A. in anger and that it

was about [REDACTED]. He further testified that, even though the January 20 letter suggested he did something more than throw A.A. out of bed, and that he has anger and alcohol issues, he did not feel any obligation to respond to this letter or the other “nasty” letters A.A. sent to him. When presenting counsel pressed Justice Currie to explain why, at the time he received the January 20 letter, he thought A.A. would ask him to seek immediate professional help, he replied: “I’m sure I didn’t give it much thought.”

[121] We find it unlikely that Justice Currie would not have given much thought about why A.A. [REDACTED] was urging him to seek immediate professional help as a result of what he says happened on January 15.

[122] Justice Currie offered the following explanation for why A.A. sent him these letters:

[A.A.] was laying the groundwork for [REDACTED] eventual [REDACTED] Court proceedings. She knew we were done, so she is sending these letters alleging – not – of course she is careful not to say I raped her, because I didn’t. She is sending letters suggesting I have got a problem with my anger and all these things about me, which she continues to say from that point forward, in preparation for our [REDACTED].

Justice Currie clarified that he only later came to believe that A.A. wrote the letters with an eye to future [REDACTED] court proceedings.

[123] Justice Currie’s theory that A.A. wrote the January letters to create a deceptive record of the January 15 incident in order to gain an advantage in

inevitable **court** proceedings is inconsistent with the contemporaneous evidence of A.A.'s conduct in the days and weeks following the incident.

[124] On Justice Currie's theory, it makes little sense that A.A. would not mention the sexual aspects of the assault if she were attempting to create a record casting him in a negative light in inevitable **court** proceedings. Similarly, his suggested motivation for her writing the letters is inconsistent with A.A.'s unwillingness to tell the medical practitioners she consulted in January 2023 that Justice Currie caused her injuries, instead attributing them to a horse. Moreover, Justice Currie's theory does not sit comfortably with text messages he received from A.A. in December 2023 expressing **[REDACTED]**.

[125] Also telling against the coherence of Justice Currie's theory as to why A.A. would fabricate the allegations in her letters is the fact that A.A. did not commence **court** proceedings against him. Rather, Justice Currie retained a **[REDACTED]** lawyer to send her a demand letter in January 2024 and, in October 2024, commenced **court** proceedings seeking, among other things, **[REDACTED]** **[REDACTED]**.

[126] In our view, the far more logical explanation is that A.A. wrote the letters with the intention that they be read only by the recipient, Justice Currie, in the hope that he would recognize that he physically injured A.A. on January 15 and that he would seek immediate professional help to deal with his anger and alcohol issues.

(c) A.A.'s selective disclosure of the sexual assault

[127] We find that A.A.'s evidence, first elicited in cross-examination, that she disclosed the January 15 sexual assault to a therapist during a yoga retreat in February 2023 is relevant to understanding A.A.'s emotional state following the incident. We find that this evidence fits logically within A.A.'s version of the events of January 15 and the aftermath of that incident. Seeking trauma support soon after the January 15 incident is consistent with A.A.'s testimony about the harm she experienced as a result of Justice Currie's assaults.

[128] We would not give effect to Justice Currie's suggestion that the disclosure of the sexual assault to a therapist at a yoga retreat was a product of calculated planning for future court proceedings. The fact that this disclosure was made to a therapist whom A.A. had never met, and at a healing retreat focused on trauma recovery, indicates that the disclosure was made in a therapeutic context that was not likely intended to generate admissible evidence which A.A. could use in future court proceedings. In any event, we again note that the court proceedings were commenced by Justice Currie in September 2024, and not by A.A.

[129] In the cross-examination of A.A., counsel suggested that A.A. knew that Justice Currie's recounting of the events of January 15 to his female friend would not paint her "in a very good light", and that she wanted to present a version where she was "the victim". Counsel further suggested that if the [REDACTED] was going to end, A.A. wanted to have "control of the narrative". A.A. denied these suggestions.

In re-examination, A.A. confirmed that she had never met the therapist before, and the therapist was not part of her circle of family and friends in any way.

[130] We find that the disclosure to the therapist in February 2023 is inconsistent with the theory that A.A. fabricated the sexual assault to “control the narrative”. This therapist was unconnected with A.A. or Justice Currie. In January 2023, A.A. was seeking treatment from multiple medical professionals with whom she had a relationship, including her long-time family doctor. She made no disclosure to them, which would have been a more logical way to develop a “narrative”, for litigation purposes or otherwise.

[131] Justice Currie also relies on the fact that A.A. did not disclose any allegation of sexual assault to the police in April 2023. He points to a form filled out by the police on April 6, 2023, titled “██████████ Violence Risk Management ██████████ Report”. Under a checklist of risk factors, in response to the question, “Has the subject ever sexually assaulted this or a ██████████?”, the police checked “No”.

[132] We note first that it is unclear whether, on April 5 or 6, the police asked A.A. if Justice Currie had ever sexually assaulted her or anyone else. Officer Calhoun testified that she and Officer Jennison filled out the ██████████ form together, based on what A.A. had said to them or what they could surmise. Officer Jennison

advised that the form was filled out back at the police station, that is, not in A.A.'s presence. Neither was asked if they put the sexual assault question to A.A.

[133] In any event, A.A. explained in her testimony why she did not disclose the sexual assault to the police. Officer Calhoun testified that A.A. declined to provide a formal statement to the police because A.A. did not want Justice Currie to experience a “workplace consequence” as a result of facing criminal charges because “he was due for a promotion”. We accept A.A.'s explanation that her reluctance to disclose the sexual assault to the police was due to her being deeply embarrassed, and not being prepared at that time to confront the violence that had taken place [REDACTED]. She also did not want to cause Justice Currie to lose his career. Moreover, it is well-established that delayed or incremental disclosure does not necessarily support an adverse credibility finding against a complainant: see *R. v. D.D.*, 2000 SCC 43; *R. v. D.P.*, 2017 ONCA 263, leave to appeal refused, [2017] S.C.C.A No. 261.

(d) Internal inconsistencies in Justice Currie's testimony

[134] We find that there are significant internal inconsistencies in Justice Currie's evidence. For example, Justice Currie testified that the triggering event for the January 15 incident was that he made a spontaneous, provocative, and derogatory remark related to A.A.'s suspected [REDACTED].

[135] We find that Justice Currie's evidence on this point does not sit comfortably with his testimony that he did not think much about A.A.'s [REDACTED] and that he was

relieved she was having one as he was also being [REDACTED]. We find it hard to believe that the confrontation he described would start with him waking up and uttering an insulting comment to A.A. about a situation he did not think much about, and which he described as being a source of relief rather than anger.

[136] Another example of the lack of internal consistency in Justice Currie's evidence is his in-chief testimony that the tearful encounter he had with A.A. on the morning of January 16 "was pretty much the last I heard of that incident until quite a bit later." In contrast, during cross-examination, he acknowledged having received and read A.A.'s letters of January 20 and 24, 2023, which referred to the January 15 incident and urged him to get help.

[137] When presenting counsel confronted him with this inconsistency, Justice Currie maintained that the January 15 incident "never came up in conversation" and further asserted that he had not read the January 24 letter as referring to the January 15 incident, but rather to A.A. having seen him with another woman. These explanations are neither credible nor sufficient to reconcile the inconsistency in his evidence.

[138] In addition to finding that Justice Currie's evidence on this issue is internally inconsistent, we also find that his evidence is inconsistent with the medical records documenting that A.A. was seeking treatment for jaw pain after January 15; the photographs that A.A. took of the bruises on her body on January 18 and 20; and

the content of the January 20 and 24 letters A.A. sent to Justice Currie urging him to get help. Based on this contemporaneous evidence, we find it more likely than not that A.A. was actively raising with Justice Currie her deep concerns about his conduct towards her on January 15 in the days following this incident.

(e) Implausibility of Justice Currie's testimony

[139] We find that Justice Currie's description of A.A.'s immediate escalation to vigorous physical aggression in response to his verbal insult on January 15 is implausible and strains credulity.

[140] As noted, Justice Currie testified that he woke up on the night of January 15 to find A.A. staring at him and looking "a little angry". He asked her something to the effect of, "Is that what you and genius boy [REDACTED] do to get off?". According to Justice Currie, this remark made A.A. furious:

She flew into a rage and was screaming at me and yelling at me and hitting me with her hands. She got on the bed on top of me and was hitting me with her hands around my shoulders and head area. I was trying to fend her off with my hands, pushing her away, telling her to stop.

[141] We find that the nature of the provocation described by Justice Currie compared to the immediacy and intensity of A.A.'s physical reaction – particularly having regard to our observations of A.A.'s stature and general demeanour – makes Justice Currie's account of her physical attack highly improbable. A verbal confrontation would be a more plausible response to an insulting remark about suspected [REDACTED].

(f) Demeanour and Other Indicia of Credibility

[142] In evaluating credibility, we considered A.A.'s demeanour as one factor, while recognizing that demeanour alone cannot bear undue weight. We observe that, in her manner of testifying, A.A. did not appear to be motivated by animus or hostility towards Justice Currie. Rather, she seemed mortified and reluctant when asked to describe the details of Justice Currie's assaults on January 15.

[143] We also find that Justice Currie did not always testify in a forthright and direct manner. For example, Justice Currie seemed evasive in his testimony about whether A.A.'s suspected [REDACTED] angered him. In cross-examination, Justice Currie was asked by presenting counsel whether his discovery of A.A.'s text messages with a colleague made him angry. Justice Currie testified:

Well, it did and it didn't. I mean, the reality was I was having [REDACTED] at the time, so it would have been – it would have been unfair for me to be angry with her about that given my situation.

It is difficult to describe, Mr. Chan, but at the time, I kind of thought it was going to be a way that she and I could ultimately resolve the whole [REDACTED], and I thought [REDACTED] and that we could work it all out. I really did hope that that was going to be the result.

...

I really – I would not say that anger was the primary response or that it was even a significant response on my part. I really kind of felt relieved.

[144] Presenting counsel returned to the question about the tone in which Justice Currie confronted A.A. after he first found the text messages on her phone, and the following exchange took place:

Q. And I know I asked you this previously, but I am just asking you about the tone with which you confronted her. Is it fair to say you confronted her in an angry tone?

A. That is probably fair. At that moment, yeah, that is probably fair.

Q. And that is because, even though there was a mix of emotions, one of the emotions you felt quite strongly at the time was anger?

A. I – I don't think I can agree with you, Mr. Chan. I really wasn't angry about that. It was more – I really was more relieved about that than anything else.

Q. Well, if anger was not one of the emotions you were feeling quite strongly at the time, why did you confront her with an angry tone?

A. Well, I am sure I didn't say, Oh, look – you know, I'm sure I didn't – I didn't laugh about it at the time, and I may have said, What are these, which of course would have come across as angry.

But in terms of my internal feelings, I can't agree, Mr. Chan, that I was angry about having discovered that. I really did think this was going to be the chance that we had to finalize things. I knew we were – I knew we were on the way out [REDACTED]. I knew that at that time.

Q. But did you make a conscious decision to portray your feelings externally more angrily than they were felt internally? I am just trying to understand –

A. No, I know.

Q. – the disconnect between what you were feeling internally and how you portrayed that to –

A. No, I know what you are asking, Mr. Chan. And it is fair to say that the tone of my voice when I said, “What are these?”, I am sure that [A.A.] would interpret that as me being angry. I can say that.

[145] Justice Currie’s acknowledgement that, in confronting A.A. with the text messages, his words would have been interpreted by her as angry, even though internally he was feeling relief about the discovery of the messages, came across to the panel as evasive, disingenuous, and lacking in credibility.

[146] We formed the same impression of Justice Currie’s evasiveness when presenting counsel confronted him with the inconsistency in his evidence concerning whether A.A. raised the January 15 incident with him in her two January letters. The lengthy transcript passage illustrating this point is set out as Appendix B to these reasons.

(g) Justice Currie’s submissions for why A.A.’s evidence should be rejected are not persuasive

[147] In his written closing argument, Justice Currie contends that A.A.’s description of the sexual assault is not believable because it “defies common sense and the laws of physics”. We do not agree that the sexual assault could not have unfolded essentially as A.A. described. We do not accept that it would have been impossible for Justice Currie to physically restrain A.A. at different stages of the assault. Moreover, it is understandable that A.A. would have experienced the

assault as a traumatic event. Given the circumstances, she cannot be expected to perfectly recall minor details of the physical sequence of events: *R. v. G.M.C.*, 2022 ONCA 2, at para. 38.

[148] We also considered and reject Justice Currie’s submission that it would be absurd for him to engage in non-consensual oral sex while in a state of anger. Anger can coexist with sexual aggression and does not render such conduct impossible or even implausible.

[149] Likewise, we considered and reject Justice Currie’s submission that A.A.’s testimony about the assault’s immediate aftermath “makes no sense”. A.A.’s evidence was that, after having been assaulted, she tried to re-enter the bedroom to tell Justice Currie he needed help. After being unable to enter because the door was locked, she decided to stay in another room and block the door with a chair. We see no basis to conclude that a victim of physical and sexual assault, committed by her intimate partner, could not behave in this way.

(h) Findings

[150] Having assessed the accounts of A.A. and Justice Currie against the evidentiary record, including internal consistency, plausibility and the surrounding circumstances, we find that A.A.’s account of the events of January 15 is coherent, consistent on material points, and fits with the contemporaneous evidence.

[151] In contrast, Justice Currie's account is internally inconsistent and implausible in key respects. Moreover, we find that he did not always testify in a forthright manner and was evasive at times in his evidence. We therefore accept A.A.'s evidence and reject Justice Currie's evidence regarding the events of January 15.

[152] We find on a balance of probabilities that there is clear, cogent and convincing evidence that Justice Currie sexually and physically assaulted A.A. on January 15, 2023. We have no difficulty in further finding that this conduct is incompatible with the holding of judicial office and constitutes judicial misconduct.

[153] As the Canadian Judicial Council's *Ethical Principles* (2021) state in the "Integrity and Respect" chapter, at p. 18: "Judges comply with the law and conduct themselves both inside and outside the courtroom in a manner that is above reproach in the view of reasonable and informed persons." Judges are expected to act with a high degree of integrity, decorum, propriety, and humanity both in and out of court, because such conduct "ensures public respect for and confidence in the individual judge and, more significantly, contributes to public confidence in the judiciary and the judicial system as a whole": at p. 19.

[154] The *Ethical Principles* further explain, in the commentary at pp. 19-20, that the public has high expectations for the integrity of judges, including regarding how they conduct their private lives:

2.A.2 Public expectations of the integrity of judges are understandably high. Behaviour considered acceptable if exhibited by some members of the public may not be appropriate for members of the judiciary. Judges should therefore be mindful of the ways in which their conduct would be perceived by reasonable and informed members of the community and whether that perception is likely to lessen respect for the judge or the judiciary as a whole. Behaviour that would diminish that respect in the minds of such persons should be avoided.

2.A.3. Public expectations of judges are not limited to the actions of judges in their judicial capacities. Judges should exhibit respect for the law and act with integrity in their private lives and should avoid the appearance of impropriety.

[155] Public confidence in the judiciary is eroded where a judge falls below the standards of personal conduct stated in the *Ethical Principles*. Members of the judiciary are required to conduct themselves in a manner that maintains and enhances confidence in their integrity at all times. In sexually and physically assaulting A.A. on January 15, Justice Currie's conduct fell far below the standards of conduct expected of members of the judiciary.

(2) Incident of April 5, 2023

[156] In relation to the incident of April 5, 2023, both A.A. and Justice Currie testified that the dispute between them again arose from allegations of [REDACTED]. Their testimony was consistent that the dispute ended with Justice Currie leaving the home before police and emergency personnel arrived. It was undisputed that A.A. was transported to the hospital for treatment of a broken wrist as a result of

what transpired that evening. However, the evidence significantly diverges on the issue of how A.A. was injured.

(i) A.A.'s testimony

[157] A.A. testified that after playing tennis at around 5:30 or 6 p.m. on April 5, 2023, she came home and prepared dinner. Justice Currie was drinking when she arrived and he poured A.A. a glass of wine. She did not know how much he had been drinking, but he seemed anxious and angry.

[158] After dinner, they had an argument during which each accused the other of [REDACTED]. According to A.A., she followed Justice Currie after he went to the kitchen and leaned over to him to say, "Let's just go to bed." According to A.A., Justice Currie said something like, "That's it". She turned around and he pushed her on her back. He was agitated and angry. She flew across the kitchen, fell over either a sofa chair or a legal briefcase that was right by the sofa chair, and landed hard on her left wrist.

[159] After Justice Currie pushed her, A.A. said she hurt her wrist, to which Justice Currie replied: "Oh, great, before it was your jaw. Now it is your wrist. Oh, great." She understood the mention of her jaw as a reference to the incident on January 15, 2023.

[160] According to A.A., Justice Currie did not help her up from the floor. As she went to get her cell phone from her office to call 911, Justice Currie was behind

her walking out of the kitchen, saying something like, “Really”. A.A. testified that she was shaking and petrified when she tried calling 911 using the slide bar on her phone, at first unsuccessfully.

[161] Presenting counsel played back several audio clips of A.A.’s calls to 911, which were introduced into evidence for the truth of their contents without objection. The clips included a portion of audio where a male voice in the background says, “Really? Really?”. A.A. identified the voice as that of Justice Currie.

[162] Presenting counsel played another audio clip of A.A.’s conversation with a 911 operator beginning at 11:32 p.m. In response to questioning by the 911 operator, A.A. advised that Justice Currie had been drinking; that he was a big drinker; that he was drunk when he hurt her; that he had left the house and was in a rental car; that he had hurt her once before two months prior; and she repeatedly indicated that it was embarrassing. It was evident from the recording that this was a highly emotional and distressing call for A.A.

[163] When asked by presenting counsel to explain what she meant in repeatedly saying to the 911 operator that it was embarrassing, A.A. explained that, given the work she does in [REDACTED], it was embarrassing to go public and to be on the phone sounding “so weak and scared”.

[164] A.A. testified that after the 911 call, a male and female police officer arrived and ordered an ambulance. She told the officers what had happened. She was taken by the ambulance to the hospital in Orangeville, where she again spoke with both police officers, as they “were very adamant”. When asked by presenting counsel what she meant by the officers being very adamant, A.A. testified:

I didn't want the police to take over this. I wanted – I didn't want him to be charged. I just wanted, you know, us to get help, and I knew there was something – I don't know if I said that to them, but I knew, because of the prior incident, there was something wrong, you know, seriously wrong and scary and wrong with his brain.

And I didn't want him charged. And they said, Ma'am, it is out of your hands. I got that message loud and clear a few times.

[165] A.A. testified that the hospital treated her by resetting her arm, which was fractured, and putting a cast on it. A.A. took photographs of her arm in a cast on April 21, 2023, which were entered as exhibits at the hearing. A.A. explained that the bruising evident in the photos was the result of the medical staff holding her arm to reset it.

[166] A.A. testified that at the time of the April incident, she told police that she had been attacked by Justice Currie before, but she did not disclose the sexual assault as she was concerned that doing so would result in him going to jail and “it would be horrible news for him and [REDACTED].” She refused to provide a formal statement to police because she did not want Justice Currie to be charged criminally.

[167] In cross-examination, it was suggested to A.A. that her fall on April 5 was an accident and that, rather than having been pushed by Justice Currie, she tripped over a leather case or a sofa chair that was in the kitchen near where he was sitting. A.A. did not accept the suggestion that she could not be sure how she ended up on the floor on the night of April 5, or that it was an accident and she simply tripped over the case or the sofa. She also denied the suggestion that she had lunged towards Justice Currie and that he put his left hand out to block her, causing her to fly in to the air and land on her stomach on the floor.

(ii) Justice Currie's testimony

[168] In his evidence in chief, Justice Currie testified that he got home in a rental car on April 5 after his car broke down. He recalled having dinner in the sunroom, followed by an argument with A.A. about [REDACTED]. He recalled they were both very angry and were shouting at each other.

[169] Justice Currie testified that he thought it was ridiculous to continue the argument, so he withdrew from the dispute and moved to the kitchen where he sat and began working on his computer. He testified that A.A. continued to yell and scream at him about his suggestion that she was having an [REDACTED]. He tried to ignore her, but she continued to yell and argue. He said words to the effect of "I'm done with this". He recounted that the following events then transpired:

At one point, from my peripheral vision, I saw her moving towards me. I didn't know what her plan was as she was moving towards me. She was still yelling at me. I started to turn

and saw her coming in my direction. I put up my hand to stop whatever might be coming. I didn't know if she was going to hit me again or what she had planned, but she was still yelling.

And then just as she reached my side and my hand was stretched out – I was still sitting. It was my left hand, as I have it now, partly not outstretched but beside me. As she got to where my hand was, it seemed she had – I don't know if she had tripped or had she jumped or what happened, but she fell in the other direction onto the rug that was on the floor away from me.

And I remember at the time thinking – at the very instant that my hand was on her, thinking whatever she is doing now is not a result of what I am doing with my hand. I am not exerting enough pressure to throw a person across the room like that. It was – it was – it struck me even at that moment.

And then she is lying on the rug with her feet towards me, her head away from me, and she stays motionless, which I thought was odd for what had transpired. It appeared she had simply fallen onto the floor.

[170] Justice Currie testified that he did not expect A.A. “to be injured given what had transpired.” He added that “she simply lay there motionless.” He acknowledged being angry and having said sarcastically, “Now you are going to say you are hurt”, which he knew infuriated her.

[171] Justice Currie testified that A.A. then got up and went to her office when he heard the 911 dispatcher saying, “Police, fire, ambulance, or whatever they say.” Justice Currie testified that he was “absolutely flabbergasted that she would call the police, given what had transpired.” He thought it was “absolutely ridiculous” that A.A. would call 911. He remembered saying “Really?” out loud.

[172] Justice Currie explained how his immediate thought after realizing A.A. had called the police was that there was a good chance the police would come and charge him for assault, and he would be arrested and held for a bail hearing, “because that is what happens in [REDACTED] situations these days.” He gave the following explanation in his evidence in chief for why he left the house without waiting for the police to arrive:

I knew that it was – now we are on to the edge of the Thursday before Easter weekend, and I knew full well that if I showed up for bail on a Thursday morning in a regular Bail Court, there was a really good chance that either the Justice of the Peace or the Crown Attorney in that Court would say that they couldn’t hear that matter because there was a conflict, having known me.

So I knew that there was a real possibility that I was going to get remanded to WASH Court – that is the weekend Bail Court – and I knew there was a real possibility that I was going to be remanded day by day over the Easter weekend at Maplehurst.

And I have been to Maplehurst as a defence lawyer. I know from materials that have been provided to me in the course of my work the situation at Maplehurst, and as a Judge in that setting, for a four-day weekend, I felt and do feel that I would be at risk of physical harm, of real physical harm.

So that is why I left the house. I should not have left, I know, but I did, and that was the reason.

[173] In cross-examination, Justice Currie was asked why he assumed that when A.A. called 911, she was calling the police rather than just calling for medical help because of her broken wrist. He testified that he knew she was calling the police because she was mad and wanted the police to come and arrest him. He

elaborated that “we were heading to a [REDACTED] and probably [REDACTED], and she was angry with me continually. And now she had a situation where we were having an argument and she had fallen and she called the police.”

[174] Justice Currie acknowledged that he did not check to see if A.A. was okay after she fell. He also acknowledged saying something like, “I bet you are going to say you are hurt now.” According to Justice Currie, after she had been lying motionless, “within a second she was up and out of the room” to call 911. He maintained that he did not know she was hurt at all, and he did not think she was hurt before he left the house and drove to Toronto.

[175] Justice Currie accepted that A.A. had never called the police on him before, and he testified that she did not discuss calling the police anytime on or after January 15, 2023.

(iii) Findings

[176] We find that A.A.’s version of what occurred on April 5 is a coherent account of events that finds corroboration in the 911 recordings and the evidence of the police officers.

[177] Having listened to the 911 recordings, we find them to be compelling, spontaneous, and contemporaneous evidence that corroborates key elements of A.A.’s testimony regarding the April 5 incident.

[178] Recordings of several calls between A.A. and the 911 operator on the night of April 5 were played during the hearing, two of which were dropped calls. In one of the dropped calls with the 911 operator, Justice Currie can be heard in the background saying “Really? ... Really?” in a way that suggested he was angry with A.A. for seeking help. In another of the dropped calls, A.A. can be heard saying, “I need help”.

[179] In a completed call with the 911 operator, A.A. initially said, “Justice Currie broke my wrist”. The 911 operator asked if Justice Currie had been drinking and A.A. replied, “Yes”. When asked by the 911 operator if he is a big drinker, A.A. replied, “Yeah”.

[180] At another point in the call, the 911 operator asks whether Justice Currie had hurt her before. A.A. replied that he had hurt her once before, two months ago. The operator asks if she reported that to the police, to which A.A. replied “No”. We find that this is a reference to the January 15 incident.

[181] The operator asked if the incident two months ago was the first time he had hurt her, and A.A. replied, “Yes”. [REDACTED]

[REDACTED] The operator next asked A.A. what she believed was triggering this sort of behaviour now, and A.A. replied tearfully, “I think it’s alcohol really”.

[182] A.A. then stated he is a “very famous judge”, to which the operator replied, “Well that doesn’t mean that he’s allowed to do that though, right?”. A.A. replied tearfully, “Exactly, no.” The operator said, “You’re doing exactly the right thing by reporting”, and A.A. responded, again tearfully, “I think so.” A.A. repeatedly referred to being very embarrassed about the situation she was in.

[183] We find that the contemporaneous nature of this 911 call provides a reliable indication of A.A.’s emotional state, which is inconsistent with Justice Currie’s account that A.A. was the aggressor who advanced toward him in anger and then tripped or jumped after reaching his hand and fell in the other direction. Having listened to the tenor of her voice and the emotion conveyed in the 911 call, it is evident to the hearing panel that A.A. felt distressed, vulnerable, and fearful as a result of what had occurred. Her responses to the operator revealed no anger or hostility towards Justice Currie. Rather the tone and emotion expressed genuine distress, fear and emotional upheaval, as well as deep embarrassment at having to report what Justice Currie had done to her.

[184] We find further support for A.A.’s version of what occurred on April 5 in the testimony of the OPP officers who responded to the 911 call. Officers Calhoun and Jennison confirmed that when they arrived at the home, A.A. was alone. Officer Jennison testified that A.A.’s wrist injury was visible: “I could visibly tell something was wrong because it looked like a bone was sticking out, not breaking the skin, but just not like a normal wrist. It was protruding through the skin.”

[185] Officer Calhoun testified to seeing a bottle of wine and a glass on the table, which she noted because A.A. had said that Justice Currie had been drinking that night.

[186] Officer Jennison also testified about his exchange with A.A. He was asked if A.A. had said anything about Justice Currie's state of mind at the time. Officer Jennison replied:

So she mentioned that he had been drinking and had left the scene, but she said, When he drinks, he gets dark and aggressive.

Officer Jennison advised that the phrase "turns dark" was between quotes in his notes, meaning it was a direct quote.

[187] Officer Calhoun testified that she spoke to A.A. privately at the hospital and asked her multiple times if she would provide a formal statement. However, A.A. advised that she did not want to do so because "she didn't want to get Justice Currie in any sort of trouble" as "he was a judge and she was concerned about his job." According to Officer Calhoun, A.A. said she did not realize he would be charged if she called the police.

[188] In asking the panel to accept his version of the events of April 5, 2023, Justice Currie points to various statements by A.A. that he claims are not consistent with her evidence at the hearing that he pushed her.

[189] For example, Justice Currie submits that A.A.'s testimony at the hearing that she tripped over a sofa chair or a legal briefcase after he pushed her is inconsistent with the notes of her statement to the OPP officers who responded to the 911 call, which make no reference to having tripped or fallen over a chair or a briefcase. He further submits that A.A.'s testimony regarding what he said immediately after she fell is inconsistent with the notes of her statements to police on April 5. Justice Currie also relies on A.A.'s testimony that she told investigating counsel for the Council that she did not report what the police stated and the details were "grossly exaggerated". Further, he asks the panel to consider that A.A. wrote to a journalist to say the incident "never happened".

[190] Regarding the alleged inconsistency between A.A.'s testimony that she tripped over an object after Justice Currie pushed her and the OPP officers' notes of her statement from the evening in question, we do not consider this discrepancy material. It is unsurprising that in the immediate aftermath of the incident, A.A. would have focused on Justice Currie's role in causing her injury, rather than whether she tripped over an object after he pushed her. The evidence that she may have tripped over a chair or briefcase does not reflect a material change in her account but rather is additional detail about what occurred as a result of Justice Currie's action. A.A. testified that she could not recall whether she mentioned having tripped over either item to the officers because she "was in shock". We accept this explanation.

[191] Similarly, we do not regard as significant or material the inconsistency between A.A.'s testimony and Officer Chafe's notes of a phone conversation they had on April 7, 2023, in which A.A. said "that she fell over a leather folder that was on the floor." A.A. testified that when she was speaking with Office Chafe, she was explaining that when she returned home, she noticed the sofa chair and the leather briefcase beside it, and thought she may have tripped over one of them. She went on to explain that what caused her to fall over the sofa chair or the briefcase was that Justice Currie pushed her.

[192] In cross-examination, appointed counsel referred A.A. to a text message she sent to Justice Currie on April 7, 2023, which states: "I am looking in the kitchen and there is a possibility that I fell over your judges case". She was asked whether she sent this text message after looking in the kitchen and realizing that it was possible that her fall was an accident. A.A. responded, "No. He pushed me and I fell over either the chair or the briefcase."

[193] It was put to A.A. that the only reason she would tell Justice Currie there was a possibility she fell over the judge's case would be to correct what she had told the police the night before. A.A. disagreed. It was then put to her that she would have no reason to tell him there was a possibility she fell over the judge's case as opposed to the armchair, and A.A. replied: "No. I mean, I was just – didn't want him charged. I wanted ... him to get help."

[194] We accept A.A.'s explanation for the content of the April 7 text message. We find that A.A. was concerned for the well-being of Justice Currie and did not want him to face criminal charges.

[195] A.A. was also cross-examined about an apparent inconsistency regarding what Justice Currie said to her after she fell. A.A. testified in-chief that, after he pushed her, she said her wrist was hurt, and he replied, "Oh, great, before it was your jaw. Now it is your wrist. Oh, great." In contrast, in a police report dated April 6, 2023, Office Calhoun wrote: "[A.A.] stated that [Justice] Currie said to her 'I bet you are going to say you are hurt now' before exiting the room."

[196] We find that this discrepancy is immaterial to the central issue and does not undermine A.A.'s overall credibility. Even if Justice Currie said, "I bet you are going to say you are hurt now", this would be consistent with A.A.'s testimony that he was not concerned about her well-being after she fell and was dismissive of any injuries she may have suffered. As noted, witnesses do not always faithfully recall minor incidents that occurred during a traumatic event: *G.M.C.*, at para. 38. Moreover, it is possible that the police inaccurately or incompletely recorded her statement concerning what A.A. recalled Justice Currie having said after she fell.

[197] A.A. was cross-examined about an email she sent to Amanda Ross, a lawyer retained by the Council to investigate the complaint. In her email, dated

September 5, 2023, she told Ms. Ross that she did not want to participate in the process. The email states in part:

I want to make it very clear in the most truthful way possible that I did NOT report what the police stated, and that is [the] key reason why I do not trust the system. The details were grossly exaggerated, and unfortunately, I never had a chance to refute this report, since this was never mentioned to me. All I was told by the BC Crown¹⁸ was that the police had reported what they saw, and that is clearly not the case.

[198] A.A. testified as follows about this email:

Q. And you also said in an email that you want to make clear in the most truthful way possible that you did not report what the police stated and that was the key reason you did not trust the system?

A. Yes, I did not trust it because [Justice Currie] told me that the report indicated that he had chased me throughout the house, and that was absolutely not true.

Q. And you told Ms. Ross that the details were grossly exaggerated by police?

A. Yeah, he never chased me around the house, and that is grossly exaggerated.

[199] When asked in cross-examination what Justice Currie had told her about the contents of the police report, A.A. elaborated:

He wasn't telling me. He was screaming at the top of his lungs, "You said and you told the cops that I chased you throughout the house", and I said, "No, I never did". And I was really upset about the lies of that, or the incorrect truth, or whatever you

¹⁸ A Crown Attorney from British Columbia was assigned to prosecute the charges against Justice Currie to avoid any potential conflicts of interest.

want to call it. That was what I was upset about, and that is what he was screaming at me about.

[200] When it was put to A.A. that the real reason she did not want to participate in the Council's investigation was because she knew the allegations she made on April 5 were not true, she responded, "No. I wanted him to get help."

[201] We accept A.A.'s explanation for why she informed Ms. Ross in September 2023 that she was declining to participate in the Council's process. We find that her email to Ms. Ross is not an acknowledgement that her allegations made on April 5 were untrue, but rather an indication that she believed that the police had exaggerated her account of what occurred. We accept her evidence that this belief was based on Justice Currie having accused her of telling police that he had chased her around the house. As A.A. put it in the email: "All I was told by the BC Crown was that the police had reported what they saw, and that is clearly not the case."

[202] The suggestion was put to A.A. that her decision in 2024 to cooperate with the Council's investigation was motivated by a letter she received from Justice Currie's [REDACTED] lawyer in early January 2024. The letter requested [REDACTED] [REDACTED] as part of formal court proceedings. A.A. denied that this letter prompted her to start "looking for ammunition" for the [REDACTED] litigation and denied that this was the reason she agreed to be interviewed by the Council.

[203] We have considered and reject the suggestion that the timing of A.A.'s decision in 2024 to cooperate with the Council's investigation is attributable to her receipt of the January 2024 letter from Justice Currie's lawyer about a future [REDACTED] court proceeding. We accept A.A.'s explanation, given in direct examination, for why she changed her mind and decided to provide a statement to the Council.

[204] A.A. testified that, by April 2024, she was engaged in therapy and had been told by her lawyer and by her psychologist and therapist that she was "intensely focused on rescuing [Justice Currie]", and that she needed to take care of herself and [REDACTED] and "tell the truth". She described a crystallizing moment when she was asked by her therapist what she would do "if it happened to [her] daughters" or if Justice Currie "did that to somebody else" after she declined to participate in the Council's investigation. According to A.A., that was the moment she decided to tell the truth.

[205] We find that the motivation described by A.A., and not litigation strategy, prompted her to cooperate with the Council after months of trying to protect Justice Currie's reputation and requesting him to address his anger and drinking issues. Her delayed decision to cooperate with the Council's investigation is consistent with the contemporaneous evidence of A.A., in which she urged Justice Currie to seek help and expressed concern for his career and well-being.

[206] In cross-examination, A.A. was asked about the email exchange she had with a reporter who was writing an article about the incident. Appointed counsel put to her that she did not say the police made one mistake in their report (*i.e.*, that Justice Currie had chased A.A. throughout the house), rather she told the reporter the incident did not happen. The following exchange occurred:

A. I don't recall the detail, if I said one or – I was just upset about that particular report that was – that didn't exist.

Q. I think your testimony earlier was that you told the reporter the incident didn't happen.

A. I don't recall.

Q. Okay.

A. All I know is the truth.

Q. I am going to suggest that you told the reporter that the allegations simply weren't true?

A. Incorrect.

[207] We find that A.A. was not fully candid in her testimony regarding the email she sent to the reporter. A.A.'s evidence in chief was that she intended to convey to the reporter that the allegation she was denying concerned the police having said that Justice Currie chased her throughout the house. This is difficult to reconcile with the unqualified statement she agreed she made to the reporter to the effect that "the allegations simply aren't true." However, the significance of what A.A. wrote is difficult to fully assess in the absence of the email exchange itself.

[208] Given the tenor of A.A.'s overall testimony, it is in our view understandable that A.A. would not want to discuss this very personal and upsetting incident with a news reporter and that she might therefore categorically deny that the incident had happened. Speaking to a reporter could reasonably be expected to cause further harm and embarrassment to both her and Justice Currie. A.A.'s response to the reporter is consistent with her testimony that her primary concern at that time was that Justice Currie get help, and with her testimony about why she did not want to cooperate with the Council's investigation in 2023.

[209] As will now be apparent, we find A.A.'s testimony to be both credible and reliable. Her evidence is coherent, clear, and internally consistent. The substance of her account is strongly corroborated by the contemporaneous 911 recordings, which capture her immediate and highly emotional reaction to the events. To accept Justice Currie's account, we would need to conclude that A.A.'s 911 calls were a manipulative fabrication made in the immediate aftermath of a stressful and physically painful incident. We reject this inference, having listened to the 911 calls.

[210] Furthermore, A.A.'s evidence is supported by the testimony of the OPP officers concerning their observations when they arrived at the house, and their evidence regarding A.A.'s refusal to provide a formal statement as she did not want Justice Currie to be charged and just wanted him to get help.

[211] In contrast, we find Justice Currie's testimony neither credible nor reliable. In particular, we do not accept his description of A.A. allegedly advancing towards him, making minimal contact with his hand, and then falling away from him to land face down on her stomach. This account seems physically implausible in the absence of additional force or momentum.

[212] We also find improbable Justice Currie's evidence that "at the very instant that [his] hand was on her" he was thinking "whatever she is doing now is not a result of what I am doing with my hand. I am not exerting enough pressure to throw a person across the room like that." Given that this was a sudden, brief, and emotionally charged situation, Justice Currie's response seemed to us to be a rehearsed and implausible effort to avoid blame rather than a truthful and accurate recollection of events.

[213] Equally improbable is Justice Currie's explanation for why he did not check to see whether A.A. was hurt. He testified that after falling, A.A. was lying motionless on the floor, but he did not think she was hurt, as "within a second she was up and out of the room. She got up, went through the door and went into her office" to call 911. It strains credulity to suggest that A.A., with a broken wrist, would have quickly pushed herself up from the floor and walked quickly into the next room without displaying any signs of injury. Officer Jennison described her wrist bone as visibly protruding and pushing up under the skin.

[214] We carefully considered Justice Currie's detailed explanation for leaving the home after A.A.'s fall. As set out above at para. 172, his explanation included that in the moments after A.A. called 911, he knew that police would come and arrest him; that there was a good chance that if he showed up in bail court the next day, either the justice of the peace or the Crown Attorney would say they had a conflict; that he would then be remanded to WASH court and be remanded day by day over the upcoming Easter long weekend; and that he would be at risk of real physical harm while detained at Maplehurst over the long weekend. We find Justice Currie's account of his thought process in the immediate aftermath of A.A.'s fall to be implausible, as it appears more like a rehearsed justification than a forthright description of his immediate reaction to what had occurred. Furthermore, this account of his thought process is difficult to reconcile with his testimony that he had merely tried to protect himself from A.A.'s aggressive advance.

[215] On the evidence, we find it more likely that Justice Currie left the residence knowing he had assaulted A.A. by pushing her, and likely knowing that she had been injured as a result. In so doing, he prioritized his own jeopardy and disregarded his moral and legal obligation to remain at the scene.

[216] We find on a balance of probabilities that Justice Currie assaulted A.A. on April 5, 2023 by pushing her, causing her to fall and break her wrist. He then left their home knowing that the police would be arriving without checking to see if A.A. was injured. We conclude that this conduct clearly constitutes judicial misconduct.

[217] The Canadian Judicial Council's *Ethical Principles for Judges* and the *Principles of Judicial Office for Judges of the Ontario Court of Justice* mandate that judges uphold the law, act with integrity, and maintain public confidence in the administration of justice. Engaging in violent conduct that results in physical harm [REDACTED] is fundamentally incompatible with these obligations. As discussed further below, in leaving the scene believing that police were on their way to arrest him, Justice Currie further exhibited a contempt for the law, not to mention [REDACTED] A.A.'s well-being. Such behaviour undermines the dignity of judicial office, erodes public trust in the judiciary and is antithetical to the core values of respect, restraint and accountability.

(3) April 6, 2023 Telephone Call to A.A.

[218] There was no dispute on the evidence that on the morning of April 6, Justice Currie called A.A. while she was still at the hospital receiving treatment for her wrist injury sustained the previous night. There is also no dispute that the call was brief.

[219] A.A. testified that Justice Currie was upset that she had called 911. She testified that he asked her something to the effect of, "Do you know what they'll do to me? I'm a judge." A.A. denied the suggestion that Justice Currie had expressed any concern for her well-being during the call.

[220] In contrast, Justice Currie testified that he called to see if A.A. was all right. He conceded in cross-examination that she may have said there was a warrant for his arrest, or that the police wanted to arrest him. Although he did not specifically

remember saying, “Do you know what they would do to me if I went to jail or if I was arrested?”, he accepted that it was possible, explaining that he may have told A.A. that he risked being detained at Maplehurst over the weekend if he turned himself in. He denied doing so for the purpose of dissuading A.A. from cooperating with the police.

[221] Given our findings concerning the events of April 5, we view it as more likely that Justice Currie’s call to A.A. on April 6 was motivated by anger and concern for his own predicament, rather than by concern for A.A.’s well-being. We also accept A.A.’s testimony that he said words to the effect of, “Do you know what they’ll do to me? I’m a judge.” We agree with presenting counsel that one could “reasonably appreciate how his comments could dissuade someone from cooperating with the police.”

[222] However, on balance, we are not prepared to conclude that this call was an attempt by Justice Currie to dissuade A.A. from giving a statement to the police. Nor do we find on a balance of probabilities that Justice Currie ought to have reasonably perceived the call as such an attempt, having regard to the circumstances he was in at that time.

[223] A.A. testified that even before Justice Currie called her that morning, she had told the police that she did not want him charged. A.A. explained that she

“didn’t want the police to take over this” and “just wanted, you know, us to get help”. In response, the officers informed her that this decision was “out of [her] hands”.

[224] The limited evidence we heard concerning this call does not establish on a balance of probabilities that it was an attempt to intimidate a witness, or that Justice Currie ought to have reasonably perceived it as such. As a result, we do not consider that this allegation of misconduct has been made out on a balance of probabilities.

(4) June or July 2023 Telephone Calls to A.A.

[225] The Notice of Hearing alleges that Justice Currie engaged in conduct that was an attempt to dissuade A.A. from cooperating with the Council’s investigation into his conduct.

[226] A.A. testified that Justice Currie called her after the criminal charges against him were dropped, sometime in July 2023. She testified that he was yelling and accused her of telling the police that he had chased her around the house. She testified that she told him she had “never said such a thing”, but he was adamant that she had. A.A. described this call as a “very, very angry, rageful phone call that – actually I was afraid of that amount of rage.”

[227] When presenting counsel asked A.A. if she had had any conversations with Justice Currie about the Council’s process in and around July 2023, she responded:

Yeah. He told me that – I asked him if he was able to get back to work, and he said, No. He said, The Judicial Council has taken over the case. He said that Lise, or his boss, had like a Letter of Complaint or something like that, and he was very angry about that.

And he sent me a report with a code to it for me to read.

A.A. clarified that she thought this was the Council report.

[228] According to A.A., Justice Currie described the Council as a “kangaroo court, or something like that. No, it was something else, sorry.” After refreshing her memory by referring her to the statement she made to the Council’s investigator, A.A. confirmed that he used the expression “kangaroo court” to describe the Council. A.A. testified that she didn’t know what “kangaroo court” meant. She testified that he also told her “They are probably going to reach out to you”, and “he said something to the effect that, You can put the nail in my coffin.”

[229] A.A. clarified that the call during which Justice Currie accused her of telling the police that he had chased her around the house was a different conversation than the call where he referred to the Council as a kangaroo court.

[230] In his evidence in chief, Justice Currie denied ever trying to influence A.A. “in any way to give a statement or not give a statement or retract a statement or not retract a statement”. He explained that as someone who was facing charges, he would not and did not put himself in the position of trying to influence a witness. He also testified that at no time did he ever try to prevent A.A. from cooperating with the Council or the police.

[231] Justice Currie denied in cross-examination that he told A.A. she could put the “nail in [his] coffin”. He denied ever using that phrase with her. When asked if he used the phrase “kangaroo court” in describing the Council, he acknowledged having done so, and apologized to the hearing panel. According to Justice Currie “it was a phrase that slipped out of my mouth”. He denied the suggestion that the reference was directed at anyone involved with the investigation into his conduct. He testified that he did not recall what led him to make this comment in his conversation with A.A., but he accepted that he made the comment in the context of a conversation about the pending complaint against him.

[232] As we have explained, we find A.A. to be the more credible witness and, in respect to the January and April 2023 incidents, have preferred her account. We do so in relation to the June or July 2023 telephone calls as well.

[233] We note that the appendix to the Notice of Hearing containing the particulars of the allegations regarding the June or July 2023 calls to A.A. does not include the particular that Justice Currie said to A.A. that the Council was going to reach out to her and that she could put the “nail in his coffin”. We agree with the view expressed by the hearing panel in *Re Gibbon* (Justices of the Peace Review Council, 2022), at para. 41, that the absence of this particular in the Notice of Hearing does not prevent us from relying on A.A.’s evidence in this regard:

The overriding concern is whether the justice of the peace has had a fair opportunity to respond to the substance of the allegations being made. Where a Notice of Hearing does not

particularize certain conduct that is raised in evidence in the hearing, the hearing panel may nonetheless consider this evidence, subject to any concerns of prejudice to the subject justice of the peace, including whether the justice of the peace had an opportunity to respond to evidence that was not referred to in the Notice of Hearing. [Citations omitted.]

[234] Although the Notice of Hearing does not particularize the comment that the Council was going to reach out to A.A. and that she could “put the nail in his coffin”, we are satisfied that Justice Currie had a fair opportunity to respond to the substance of the allegations concerning his communications with A.A. in June or July 2023. The “nail in the coffin” comment arose in the same conversation in which Justice Currie referred to the Council as a kangaroo court, as particularized in the Notice of Hearing. Justice Currie was able to address the “nail in the coffin” comment during the hearing and denied having made this comment. There is no indication or suggestion of prejudice or procedural unfairness in these circumstances. Consistent with the approach endorsed in *Gibbon*, we see no prejudice in considering this evidence as part of our assessment of the overall conduct at issue.

[235] We accept A.A.’s evidence that Justice Currie made an angry phone call to her after the criminal charges had been dropped, falsely accusing her of telling the police that he had chased her throughout the house. We find that this call was intended to discourage A.A. from participating in the Council’s investigation into

the complaint about his conduct by creating the impression that he was being unfairly accused and she should not contribute to such an unjust process.

[236] It is unlikely, in our view, that the admitted “kangaroo court” comment was, as Justice Currie suggested, simply an offhand remark that was not intended to influence A.A.’s decision whether to participate in the Council’s investigation.¹⁹ Justice Currie acknowledged he understood that A.A. would be the primary witness in the Council’s investigation into his conduct. We are satisfied, on a balance of probabilities, that Justice Currie knew that making a disparaging comment to the primary witness about the Council to the effect that its process is unfair, combined with the comment that when the Council reaches out to her, A.A. could “put a nail in [his] coffin”, could reasonably have been expected to discourage A.A. from participating in the Council’s investigation.

[237] Comments by a judge that are intended to discourage cooperation with an investigation into allegations of their own misconduct can only serve to erode the public’s confidence in the judge, the judiciary and the administration of justice generally. We consider this conduct incompatible with judicial office and conclude that the evidence supports a finding of judicial misconduct in relation to the

¹⁹ The Council does not have summoning power under the *Statutory Powers Procedure Act* at the investigation stage of the complaints process: see s. 51.4(7) of the *Courts of Justice Act*.

allegation that Justice Currie attempted to dissuade A.A. from cooperating with the Council's investigation into this complaint.

(5) Justice Currie's Failure to Promptly Surrender to Police

(i) Circumstances Surrounding Justice Currie's Delayed Surrender

[238] There is little dispute about the circumstances surrounding Justice Currie's delay in surrendering to police, and that this delay was related to the proximity between the incident on the night of Wednesday April 5 and the Easter long weekend. On Thursday April 6, a warrant for Justice Currie's arrest issued. Friday April 7, 2023 was Good Friday and Monday April 10, 2023 was Easter Monday, both statutory holidays. On the morning of Tuesday April 11, Justice Currie surrendered to the police and was released from custody on a release order entered into before a justice of the peace.

[239] In his testimony, Justice Currie acknowledged that he left home on the evening of April 5, immediately after A.A. called 911. He testified that as soon as he realized A.A. had called 911, he knew she was calling the police to get him arrested. Justice Currie further testified that he believed A.A. was going to allege he had assaulted her and that he would be arrested, charged with assault and held for a bail hearing. With this knowledge, Justice Currie drove to his condominium in downtown Toronto. On the night of April 5 and/or the early morning of April 6, the police called him more than once and left him at least one voicemail. Justice Currie testified that he did not answer his phone, but he knew the police were looking for

him. He chose not to turn around and drive back in the direction of the Rockwood OPP. At some point the following day, (on April 6), he knew that there was a warrant for his arrest.

[240] Justice Currie acknowledged in his evidence that he “should not have left” the home after A.A. called 911. He explained that he did so because the long weekend was approaching and, based on his experience in the criminal justice system, he believed that the police would not release him from the station, and would hold him for a bail hearing “because that is what happens in [REDACTED] situations these days”. He believed that if he attended bail court on the morning of April 6, there was “a really good chance” that either the presiding justice of the peace or the Crown Attorney in that court would say they could not hear the matter because there was a conflict, since they would say they knew him.

[241] Justice Currie acknowledged the existence of a weekend and statutory holiday (“WASH”) court and that it had jurisdiction to address bail on weekends. Justice Currie testified that he believed that if the justice of the peace or Crown declared a conflict, he would be remanded to WASH court, and that “there was a real possibility” that he would “be remanded day by day over the Easter weekend” at Maplehurst Correctional Complex. He was afraid that, as a judge, he would be at risk of “real physical harm” if detained over a four-day weekend at Maplehurst.

[242] In cross-examination, Justice Currie acknowledged that there was a legal process in place to deal with his arrest or surrender and release. Justice Currie understood that an arrest warrant is, in effect, a court order that the police arrest the accused immediately and bring the accused before a judge or justice of the peace. Justice Currie accepted that the police had the lawful authority to make decisions about whether to release him from the police station or hold him for a bail hearing. The decision about what position to take on his release at a bail hearing was, he acknowledged, within the lawful authority of the assigned Crown Attorney. He agreed that the ultimate authority in terms of whether he would be released and on what terms lay within the discretion of the presiding justice of the peace.

[243] In cross-examination, Justice Currie was asked whether he ever considered that the appropriate course of action was to surrender himself as soon as possible, and then raise, through his counsel, the issues of potential conflicts and the need to deal with the matter as soon as possible due to safety concerns. Justice Currie responded that he “had no confidence that appropriate arrangements would be made”.

[244] Justice Currie testified that he always intended to surrender. He contacted his lawyer as early as possible on the morning of April 6, and asked counsel to arrange with the local authorities for his surrender to police and his release. On

this point, Justice Currie relies on the evidence of Mr. Keen, the then-Acting Crown Attorney.

[245] Mr. Keen testified that he first became aware of the matter when one of Justice Currie's lawyers, Hal Mattson, reached out to him in the morning of April 6 to discuss Justice Currie's release. Mr. Keen later learned that a warrant had been issued for Justice Currie's arrest, and that the police had decided that they would not release Justice Currie from the station after his surrender. Mr. Keen's view was that this decision was reasonable, given the nature of the allegations and given that Justice Currie had left the scene after the incident and the police could not locate him initially.

[246] At 1:20 p.m. on the afternoon of April 6, following discussions with the police and Justice Currie's lawyers, Mr. Keen proposed a plan for Justice Currie to surrender himself at the Rockwood OPP detachment by 2:00 p.m. and appear before the Ontario Court of Justice by Zoom for an anticipated consent release at 3:30 p.m. Mr. Keen testified that he learned from the police in an email received at 1:51 p.m. that Justice Currie would not be surrendering that day. In an email received at 2:52 p.m., defence counsel advised Mr. Keen that Justice Currie "cannot turn himself in at the times suggested" and stated that he would surrender on April 11.

[247] Justice Currie testified that he could not turn himself in at the Rockwood OPP detachment by 2:00 p.m. because he was in downtown Toronto, and he would not have been able to reach the detachment by that time.

[248] According to Mr. Keen, neither he nor the police agreed to the delayed surrender or to stand down the execution of the arrest warrant, which had not been rescinded. Mr. Keen advised defence counsel that Justice Currie could be arrested if he came into contact with the police. Justice Currie knew that there was no agreement to delay his surrender to April 11, and that he could be arrested over the weekend.

[249] In cross-examination, Mr. Keen explained that, had he known that Justice Currie was in downtown Toronto and wanted to surrender on April 6, but could not reach the Rockwood OPP detachment on time, this would have led to further discussions about possible solutions. He also explained his experience that the court “will really try and make this work out for individuals” where there is a clear consent release, and that he did not see it as likely that the court would “remand somebody for four days when there is a clear consent release”, although he acknowledged this was possible.

[250] Justice Currie surrendered at the Rockwood OPP detachment on April 11, the Tuesday morning after the long weekend. His bail hearing was conducted that

afternoon by a justice of the peace. Justice Currie was released on consent, as anticipated.

[251] At the bail hearing, Mr. Keen stated on the record that Justice Currie's delayed surrender "wasn't with the agreement of the police or the Crown". In his testimony, Mr. Keen explained that this statement was "to make it quite clear that the delay in surrender wasn't some advantage or benefit that was being extended to [Justice Currie] because he is a member of the justice system".

[252] In cross-examination, Mr. Keen denied that he delayed attending court for the bail hearing until the afternoon because he was content for Justice Currie to "stay in jail as long as it took, whatever time that took". Mr. Keen also denied that when he informed the presiding justice of the peace of Justice Currie's identity at the outset of the bail hearing and inquired about any conflict, he was hoping the justice of the peace would have a conflict so that Justice Currie would remain in custody.

[253] Mr. Keen also disagreed with the suggestion that he was "content" that Justice Currie remain in custody as long as it took, noting that "we were specifically taking steps well in advance" to arrange Justice Currie's release. He explained the unpredictability of scheduling in bail court, including that the court has to accommodate the schedules of multiple custodial institutions and cannot tell an institution to wait so that a single bail matter (i.e., Justice Currie's) can be

accommodated. He also noted that he would have been juggling multiple responsibilities that day.

[254] To the extent that these questions suggested some form of misfeasance or bad faith on the part of Mr. Keen, we reject the suggestion. There is no basis to think that Mr. Keen was anything other than professional in his handling of Justice Currie's criminal matter.

[255] In the hearing panel's view, Mr. Keen testified carefully and candidly about his limited involvement in the criminal prosecution against Justice Currie. In both examination in chief and cross-examination, Mr. Keen consistently attempted to be as fair and accurate as possible. We find his evidence credible and reliable.

(ii) Findings

[256] Presenting counsel argues that a reasonable person, considering Justice Currie's conduct, "could only conclude that it reflects an attitude that the ordinary operation of the law – including the possibility of time spent in a jail cell pending release – should not apply to him because he is a judge."

[257] Presenting counsel emphasizes that the warrant remained outstanding for five days, during which time Justice Currie did not surrender voluntarily, contrary to the expectations on accused persons to do so, and particularly, a sitting judge. While the warrant was outstanding, Justice Currie was not subject to the standard terms of a release order in the context of alleged intimate partner violence, such

as no-contact and non-attendance conditions. Meanwhile, there was no agreement by the Crown or the police to delay execution of the warrant.

[258] Justice Currie submits that the steps he took to avoid being detained at the Maplehurst Correctional Complex over the Easter long weekend do not amount to judicial misconduct. He emphasizes that he contacted his lawyer at the first opportunity to arrange for his surrender and never intended to obstruct justice or interfere with the investigation.

[259] We agree with presenting counsel's submission that Justice Currie's conduct amounts to judicial misconduct. We reach this conclusion for three reasons.

[260] First, Justice Currie's failure to remain at the home, his failure to surrender as soon as possible, and his failure to facilitate the prompt execution of the warrant can only serve to undermine the public's respect for the judiciary. In their private lives, judges "should exhibit respect for the law and act with integrity ... and should avoid the appearance of impropriety".²⁰ By the morning of April 6, Justice Currie knew that the police were looking for him and that he was going to be arrested and charged. That same day he learned that there was an outstanding warrant for his arrest. He should have taken immediate steps to surrender himself by driving back to the Rockwood OPP. The risk that he would not get there in time to be released

²⁰ Canadian Judicial Council's *Ethical Principles for Judges* (2021), 2.A.3.

on bail by the end of the Thursday before the long weekend was of his own creation. He decided to drive to Toronto as soon as A.A. called 911, rather than remaining at the scene.

[261] Second, Justice Currie's concern for his safety at Maplehurst may be understandable. However, this concern does not and cannot excuse his conduct in driving away from the scene and failing to promptly surrender in accordance with the warrant for his arrest. As with any accused, a legal process was in place to ensure that Justice Currie's release status was dealt with promptly and fairly. It was incumbent on Justice Currie to comply with that legal process rather than choosing not to surrender until April 11.

[262] Accused persons are regularly taken into custody before their bail is determined by a judicial officer. They may be held at a police station until they can appear before a judicial officer by video, or they may be detained at a facility like Maplehurst. The fact that Justice Currie is a judge or even a Regional Senior Judge, as he was at the time, should not and cannot entitle him to any differential treatment in this regard. The public would be concerned if such an entitlement existed. Indeed, Mr. Keen felt compelled to clarify on the record at the bail hearing that neither the police nor the Crown had consented to the delayed surrender, in order to make clear that the delay "wasn't some advantage or benefit that was being extended" to Justice Currie due to his judicial status.

[263] Concerns, including safety concerns in a custodial institution, exist for anyone who is incarcerated while awaiting a bail hearing or pending their trial. Any special considerations arising from Justice Currie's role as Regional Senior Judge were for his defence counsel to raise with the Crown Attorney so that they could be addressed. Instead, Justice Currie unilaterally decided that the regular legal process should not apply to him. A reasonable member of the public viewing that conduct would likely conclude that Justice Currie was not acting in a judicial manner, but rather, as an accused person who felt unilaterally entitled to place himself above the legal process he was sworn to serve.

[264] Third, there were negative consequences to Justice Currie's decision to delay his surrender. By choosing to not remain at the scene when A.A. called 911 and by then delaying his surrender for five days, Justice Currie deprived the police and the bail court of the ability to impose a no-contact term with A.A., and a non-attendance term that he not be allowed to attend any place where she was known to be. These are standard conditions in [REDACTED] cases of this nature and are important to protect the safety of the complainant. They also provide clarity to both the complainant and the accused and eliminate ambiguity about acceptable conduct. Such conditions serve to put the accused and the complainant on notice that criminal consequences to the accused may follow from a failure to comply with the conditions.

[265] Justice Currie testified that, because of his experience, he knew “to stay away from [A.A.] and the house and anywhere near it.” In effect, he was suggesting that the conditions were unnecessary given that he knew what they were likely to be, and, presumably, would respect them despite the inability of a court to impose them. This, of course, was not his decision to make. In any event, as he acknowledged, he phoned A.A. on the morning of April 6. Had conditions been imposed, Justice Currie would have contravened them by making this call and could have been charged with a criminal offence of fail to comply with a condition of a release order under s. 145 of the *Criminal Code*.

[266] In sum, Justice Currie’s refusal to surrender to police on April 6, 2023 despite his knowledge that the police were looking for him and had been ordered by the court to arrest him immediately, and that the Crown had not agreed to delay his surrender until after the long weekend, is incompatible with, and undermines, the integrity of judicial office. A reasonable observer viewing Justice Currie’s conduct could only conclude that it reflects an attitude that the ordinary operation of the law, including the possibility of time spent in a jail cell pending release, should not apply to him because he is a judge. A judge who declines to respect the legal process cannot credibly demand the same compliance from others.

(6) Justice Currie’s Alleged Alcohol Consumption and Anger Issues

[267] The Notice of Hearing alleges that Justice Currie’s conduct in respect of the January and April 2023 incidents was related to alcohol consumption and anger

management issues. It further alleges that “Justice Currie has consumed beer on multiple occasions while driving”.

[268] As discussed earlier in these reasons, we have accepted A.A.’s account of the two assaults in January and April 2023. A.A. testified that Justice Currie was drinking alcohol before both incidents. A.A. testified that in late 2022 into early 2023, Justice Currie was drinking alcohol every day, that he smelled of alcohol when he came home from work, and that he would usually bring a beer into the house from the car. She described how “over maybe years, you know ... he just got progressively angrier and more rageful and darker.”

[269] According to A.A., at the time of the January and April 2023 incidents, Justice Currie was having explosive anger if he could not find something. She recounted an instance a day or two before the January incident when he could not find his salad dressing, “and he just blew up in the kitchen.” She explained that this was why she kept saying, “You are going dark, Currie, you need help.”²¹ In her view, his anger issues were “directly related to alcohol.”

[270] Regarding the drinking and driving allegation in the Notice of Hearing, A.A. testified that Justice Currie had cans of beer in the car that he would consume while driving. She described his drinking while driving as a “normal practice for

²¹ A.A. testified that she called Justice Currie, “Currie”.

him” and testified that when she previously confronted him about this habit, he responded that it was not a big deal because it was a “provincial offence.”

[271] When asked how she knew that Justice Currie was drinking in the car while driving, A.A. testified that she “saw him come out in the garage with a beer in his hand all the time, and I saw him having empty beer cans in the back seat of his car.” She testified that sometimes the cans of beer were almost empty when she lifted them up soon after he came home.

[272] A.A. further testified that when he went to the pub on weekends, sometimes on his return he would be “out of balance”. She would not ask him if he was drunk, because she didn’t want him “to explode”, but would instead ask him, “Are you tipsy?” and “he would jokingly say, Maybe.”

[273] In cross-examination, A.A. clarified that she would see Justice Currie drive down the driveway and she would come to greet him in the garage and he would come out of the car with a can of open beer. She testified that this happened “many times”. She also testified that he would often consume one drink while she was in the car with him on the way to visiting [REDACTED] or going to the cottage. She explained that they used to visit [REDACTED] once or twice a month on a Sunday. A.A. testified that there would be no other [REDACTED] with them in the car.

[274] In cross-examination, Justice Currie denied having a problem with alcohol, though he testified that he and A.A. were drinking daily in late 2022 and early 2023.

He also denied being in a situation where he would be at work after drinking, and he denied ever drinking in the car. Justice Currie's evidence was that on occasions when he came into the house from the garage with a tall can of beer in his hand, he obtained the beer from the beer fridge in the garage, and would not open the beer until after parking the car. Justice Currie testified that he never saw A.A. lift his beer can in the house to check it, saying to presenting counsel: "If I'm drinking the beer, Mr. Chan, the beer is with me."

[275] Justice Currie testified that as a judge, he knew the amount of alcohol one can consume before being over the legal limit and he was careful to make sure that any time he operated a motor vehicle, he was not in jeopardy of being charged with either being impaired or being over the legal limit, "knowing the impact that would have on my job as a judge."

[276] Justice Currie denied ever having a conversation with A.A. about drinking while driving and denied saying that this habit was merely a provincial offence.

[277] Justice Currie agreed with the suggestion put to him by presenting counsel that when he drinks, it heightens his anger. When asked if he had anger issues when drinking, Justice Currie testified:

I wouldn't say I have had anger issues, but I think it is fair to say that you would be more inclined to become angry if you had been drinking than if you hadn't. You are less in control of your emotions, and I am too.

[278] We have accepted A.A.'s evidence in respect of the January and April 2023 assaults. That evidence includes her testimony that Justice Currie's alcohol consumption and anger issues played a very significant role in these events. Justice Currie candidly acknowledged that when he drinks, it heightens his anger. Presenting counsel did not ask the panel to make a separate finding of misconduct based on Justice Currie's issues with alcohol or anger management in relation to the January and April 2023 incidents, and we make no such finding.

[279] We find that it is more likely than not that Justice Currie drove to Toronto in a rental car on the night of April 5 to April 6, 2023 with alcohol in his system. However, we do not have an evidentiary basis to make any finding on whether he was legally impaired or driving with a blood alcohol content over the legal limit at the time.

[280] We accept A.A.'s evidence that Justice Currie consumed alcohol while driving his vehicle, and that he did so on a regular basis. Although A.A. did not give specific dates and times for the conduct, her testimony was that Justice Currie drove with open alcohol in the car and consumed it while driving on a habitual basis, including when she was in the car with him.

[281] Driving with an open container of alcohol, let alone consuming it while driving, is illegal. This behaviour contravenes the prohibition in the *Liquor Licence and Control Act*, 2019, S.O. 2019, c. 15, Sched. 22, s. 42 against having any liquor

in a motor vehicle, except if unopened and sealed, or if secured in closed baggage or otherwise not readily available to any person in the vehicle. Furthermore, drinking alcohol while driving runs counter to the public protection objectives that inform the *Criminal Code*'s impaired driving regime.

[282] We are satisfied, on a balance of probabilities and based on A.A.'s testimony, which we have found credible, that Justice Currie routinely consumed alcohol while operating his vehicle. We further find that his attitude towards drinking and driving reflects a serious disregard for the law. In our view, such conduct constitutes judicial misconduct because it is incompatible with the standards of judicial office and tends to bring that office into disrepute, thereby undermining public confidence in the administration of justice.

VII. CONCLUSION

[283] For the reasons set out in our analysis, the hearing panel is unanimous in concluding that all the allegations of misconduct in the Notice of Hearing – other than the allegation related to the telephone call to A.A. on April 6, 2023 – have been established on a balance of probabilities.

[284] As we observed at the outset of our analysis, the opposing accounts of how the [REDACTED] relationship between A.A. and Justice Currie deteriorated into violence and acrimony are irreconcilable.

[285] We are satisfied that A.A.'s description of the events from January 2023 up to and including the statements she gave to the Council's investigator in April 2024 forms a logical and coherent account, which accords with the application of "common sense and generalizing based on [our] accumulated knowledge about human behaviour": see *Kruk*, at para. 73.

[286] Justice Currie's account, by contrast, was internally inconsistent and implausible when assessed against common sense and the surrounding evidence. We accept A.A.'s explanation for her conduct following the January and April incidents and reject Justice Currie's theories suggesting fabrication or ulterior motive.

[287] It is not necessary to repeat our findings regarding the phone calls that Justice Currie made to A.A., his failure to promptly surrender to police, or his alcohol consumption and anger issues. Our findings on these allegations flow comfortably out of A.A.'s narrative of events, and in the case of the surrender allegation, the uncontested evidence before us.

[288] The proven allegations meet the test for judicial misconduct under s. 51.6(11) of the *CJA*. A hearing on disposition will proceed on February 4, 2026.

Released: January 13, 2026

Hearing Panel of the Ontario Judicial Council:

Justice Paul Rouleau, Chair

Justice Christine Pirraglia

Ms. Ena Chadha

Mr. Peter Woolstencroft

APPENDIX A

**Notice of Hearing in a Complaint Concerning
the Honourable Justice Paul Currie**

Appendix “A”

The Physical Assault and Sexual Assault in January 2023

1. On or around January 11, 2023, Justice Currie came into the bedroom where [REDACTED] [A.A.] was asleep. He engaged in sexual intercourse with her without her consent.
2. Justice Currie then physically assaulted [A.A.] and injured her jaw.

The Physical Assault of April 5, 2023

3. On or around April 5, 2023, Justice Currie pushed [A.A.]. She fell and injured her wrist.
4. [A.A.] called 911.
5. Justice Currie left the house prior to the arrival of the police.

The April 6, 2023 Call to [A.A.]

6. On or around April 6, 2023, Justice Currie accused [A.A.] of calling “the cops” on him and asked if she knew what they would do to him if he went to jail or was arrested.
7. This conduct was an attempt to influence, or could reasonably be perceived as an attempt to influence, [A.A.] to decline to give a statement to the police.

The Arrest and Criminal Charges

8. A warrant for Justice Currie's arrest was issued on or around Thursday, April 6, 2023. The police tried contacting Justice Currie that day by calling him, but he did not answer.
9. Justice Currie knew there was a warrant for his arrest. He communicated to the police through his counsel that he would not surrender until Tuesday, April 11, 2023. Neither the police nor the Crown agreed to this delay.
10. Justice Currie surrendered himself to the police on April 11, 2023. By this point, the arrest warrant had been outstanding for 5 days.
11. When Justice Currie surrendered himself to the police, he was charged criminally with assault causing bodily harm and assault, contrary to the *Criminal Code*.

The June or July 2023 Call to [A.A.]

12. On or around June 20, 2023, the criminal charges against Justice Currie were withdrawn.
13. Sometime after the criminal charges had been withdrawn, Justice Currie told [A.A.] that the Judicial Council had taken over his case, and that the Judicial Council was a "kangaroo court".
14. Justice Currie also accused [A.A.] of telling the police that he had chased her through the house, implying or suggesting that the police had exaggerated [A.A.]'s allegations.
15. Justice Currie also told [A.A.] that there was a publication ban over the criminal proceedings and that despite the ban, the media was going to be

reporting a story about her allegation that he had chased her through the house.

16. This conduct was an attempt to dissuade, or could reasonably be perceived as an attempt to dissuade, [A.A.] from cooperating with the Ontario Judicial Council's investigation.

Alcohol Consumption and Anger Issues

17. Justice Currie's conduct as described in paras. 1-3 was related to alcohol consumption and anger management issues.

18. Justice Currie has consumed beer on multiple occasions while driving.

The Conduct is Judicial Misconduct that Warrants a Disposition

19. Justice Currie's conduct was contrary to the standards of conduct expected of judges as set out in the *Principles of Judicial Office* and the Canadian Judicial Council's *Ethical Principles for Judges*, including but not limited to the duties to,

(a) establish, maintain, encourage and uphold high standards of personal conduct and professionalism so as to preserve the independence, integrity and impartiality of the judicial office;

(b) maintain personal conduct at a level which will ensure the public's trust and confidence; and

(c) show respect for and follow the law.

20. Justice Currie's conduct is contrary to the impartiality, integrity and/or independence of the judiciary.

21. Justice Currie's conduct undermines the public's confidence in the judge's ability to perform the duties of office.
22. Justice Currie's conduct undermines the public's confidence in the administration of justice generally.
23. Justice Currie's conduct, as set out above, constitutes judicial misconduct that warrants a disposition under s. 51.6(11) of the *Act* to preserve public confidence in the judiciary.

APPENDIX B

**Transcript Extract from Justice Currie's Testimony
re: Incident of January 15, 2023**

PRESENTING COUNSEL: You accept then it is not true what you told us earlier, that this incident never came up after January 15, 2023, until some -- until quite awhile later, it never came up at all after that? That is not --

JUSTICE CURRIE: It never came up in conversation. I didn't raise it in conversation, and nor did A.A. She never said any of this to me in person at [REDACTED]. She never said, You know, other stuff happened besides you throwing me out of bed. She never said that to me in person.

PRESENTING COUNSEL: But she is choosing to communicate with you in writing. You accept that?

JUSTICE CURRIE: Well, she has chosen to put something in writing, yes, she has.

PRESENTING COUNSEL: Right, to --

JUSTICE CURRIE: And send it to me, yes.

PRESENTING COUNSEL: And send it to you?

JUSTICE CURRIE: She has done that.

PRESENTING COUNSEL: This is sent only to you, right?

JUSTICE CURRIE: Yes. And then she saved this and forwarded it to herself a year later.

PRESENTING COUNSEL: I'm not asking about a year later. I'm asking, at the time this is sent only to you? This is a communication intended for you; fair?

JUSTICE CURRIE: I had no idea if it was -- who -- she may have sent it to other people too. I don't know. I remember I got it.

PRESENTING COUNSEL: In any event, she brings it up after the incident happens, right?

JUSTICE CURRIE: Fair enough. You are right. She did bring it up in the

letter. You are right.

PRESENTING COUNSEL: And she brought it up again in another letter on January 24th?

JUSTICE CURRIE: Four days later, yes.

PRESENTING COUNSEL: Do you recall reading that at the time?

JUSTICE CURRIE: I probably did.

PRESENTING COUNSEL: Do you see the letter on the screen?

JUSTICE CURRIE: I do.

PRESENTING COUNSEL: This was the letter that you recall reading at the time, January 24th?

JUSTICE CURRIE: I probably would have read this, yes.

JUSTICE ROULEAU (CHAIR): Pardon me?

THE WITNESS: I probably would have read this, yes.

BY MR. CHAN:

PRESENTING COUNSEL: And so if you look at the last -- second-last paragraph on the page: "But I am lost and in pain physically and emotionally, I have these reminders on my body and face, and [REDACTED]. I don't know how to just happily move on and just forget about what happened and who you were being in [REDACTED] and last Sunday was the biggest breakdown of my life."

I feel like a fraud! [REDACTED]

Do you see that?

JUSTICE CURRIE: I do.

PRESENTING COUNSEL: Do you recall reading that specific portion at the time?

JUSTICE CURRIE: I am sure I read it, yes.

PRESENTING COUNSEL: And did you respond to this at all?

JUSTICE CURRIE: I did not.

PRESENTING COUNSEL: In writing or otherwise?

JUSTICE CURRIE: I did not.

PRESENTING COUNSEL: So she has raised -- contrary to what you told us earlier, she is raising it again on January 24th with you, right?

JUSTICE CURRIE: Well, I mean, when you start reading about that letter, the purport of the letter, as I read it, was that she was complaining about this, seeing me in my car with another woman and how, you know, that was an awful thing for her. And I get that.

But, you know, the part about being "lost and in pain physically and emotionally", I mean, I don't think I read that in the context of what you are saying, that I should have focussed on that and assumed she was talking or that the letter was about the 15th of January. I didn't read it that way.

PRESENTING COUNSEL: Well, she refers to "last Sunday", right?

JUSTICE CURRIE: Right. "Last Sunday was the biggest breakdown of my life", yeah. It was a breakdown for both of us.

PRESENTING COUNSEL: Right. So you knew she was talking about that particular occasion --

JUSTICE CURRIE: Well --

PRESENTING COUNSEL: -- January 15th?

JUSTICE CURRIE: -- in that line she is referring to it, yes.

PRESENTING COUNSEL: Right. But in the next --

JUSTICE CURRIE: But the letter -- I'm sorry.

PRESENTING COUNSEL: Sorry, no, you go ahead.

JUSTICE CURRIE: The letter itself, I took it as a letter about her seeing

me with this other person.

PRESENTING COUNSEL: Well, the letter has different parts to it. You accept that part of the letter, and indeed the part from which we just read, is referring back to Sunday, January 15th, as she describes "the biggest breakdown of my life"?

JUSTICE CURRIE: That is fair.

PRESENTING COUNSEL: You understood that at the time?

JUSTICE CURRIE: I suppose if I thought about it, I probably would have, but I really wasn't – I wasn't thinking in those terms when I read this particular letter.

PRESENTING COUNSEL: Well, and it is not just that paragraph. The next paragraph refers to [REDACTED] and her feeling "like a fraud"; do you see that?

JUSTICE CURRIE: Right.

PRESENTING COUNSEL: You understood that to refer to January 15th because she is talking about feeling like a fraud [REDACTED] [REDACTED]?

JUSTICE CURRIE: That is fair.

PRESENTING COUNSEL: So you knew in reading those -- certainly those last two paragraphs of the page that she was raising with you what happened that night on January 15th?

JUSTICE CURRIE: But what she says there is completely consistent with what happened, with our wrestling match. I mean, that is how I understood what -- that is what I understood her to be talking about there.

PRESENTING COUNSEL: Okay. So I'm just asking if you understood on reading this that she was – on reading this letter at the time, January 24th, that she was talking about what happened that night? Did you understand that?

JUSTICE CURRIE: In the last two sentences, yes, correct.

PRESENTING COUNSEL: Well, the last two paragraphs?

JUSTICE CURRIE: Oh, yes, I'm sorry, right.

PRESENTING COUNSEL: And you didn't respond to this at the time?

JUSTICE CURRIE: I did not.

PRESENTING COUNSEL: You didn't say, Well, look, in fairness, you were the one who hit me first?

JUSTICE CURRIE: No, I didn't.

PRESENTING COUNSEL: You didn't say, I was just trying to get you to stop hitting me when I pushed you off the bed?

JUSTICE CURRIE: I didn't.

PRESENTING COUNSEL: You didn't say, I was just trying to guide you out of the room so you would stop hitting me when I applied force to move you from the room? You didn't say anything like that?

JUSTICE CURRIE: I didn't feel that either of these letters was seeking a response, Mr. Chan, and I think I took them as her venting -- I'm sorry, venting.