

But for the Plan

(When You Drive Your Child's Car Without Permission)

Mr. Baker (not his real name), a hard working and devoted Chrysler employee, found himself in a bit of a bind. He had car troubles, which led him to use his son's car to get to work. The car was not licenced and was not insured, so Mr. Baker put his plates on it, without his son's knowledge.

Unfortunately, he was stopped by a police officer, who checked the plates and discovered that they were not assigned to the son's car. He then charged Mr. Baker with the Criminal Code offence of taking a motor vehicle without permission, as well as Highway Traffic Act and Compulsory Insurance Act charges stemming from the fact that the vehicle was not licenced and not insured.

As you would expect, when Mr. Baker first met with Frank Carlone, a very experienced Staff Lawyer at our Brampton office, he was particularly anxious about the criminal charge, for which he was summoned to appear at the Ontario Superior Court. After reviewing the case, Frank was confident that he could get the criminal charge withdrawn. He asked Mr. Baker to obtain documentary evidence that his own car was not operational and that he attended work on the day of the infraction.

Shortly thereafter, Frank appeared at court with Mr. Baker to set a trial date and to attend at offices in the same building, where he negotiated with two Crown Attorneys. Armed with his client's documentary evidence, Frank was able to show that Mr. Baker's main motivation in committing the offences was his desire to get to work.

In situations such as these, being represented by a lawyer will likely increase your chances of convincing Crown Attorneys of your *bona fides*.

As a result of Frank's advocacy, the criminal charge was withdrawn upon completion of ten hours of community service. Mr. Baker then pleaded guilty to the lesser offence of "use plate not authorized for vehicle" and paid a \$100.00 fine. Mr. Baker's legal fees were partially covered by the Plan. His cost for Frank Carlone's services was just under \$400.

But for the Plan, Mr. Baker would have either gone to court on his own to face a greater possibility of a criminal conviction or paid considerably more for his defense.