



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

May 3, 2010

10-07

### Special Prosecutor Approves Charges

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced that Special Prosecutor Terrence Robertson, Q.C. has approved charges under the *Election Act* and the *Criminal Code* following an investigation into possible offences involving the campaign office of Kash Heed. The investigation centred on the production, distribution and financing of three election pamphlets, and included an examination of the election financing report filed on behalf of Kash Heed.

Three charges under the *Election Act* and three charges under the *Criminal Code* have been approved against Barinder Sall, three charges under the *Election Act* and two charges under the *Criminal Code* have been approved against Dinesh Khanna, and a single count under the *Election Act* has been approved against Satpal Johl. These charges were laid today in Provincial Court in Vancouver and copies of the sworn Informations are attached.

The Special Prosecutor has not approved any charges against Kash Heed. On the evidence presented to the Special Prosecutor, there is no evidence that Mr. Heed was either involved in the production of the pamphlets or had direct knowledge of the pamphlets or the allegedly fraudulent [advertising sponsor form].

The Special Prosecutor considered whether under section 266 of the *Election Act* Kash Heed would be deemed to have committed any offence if his campaign's election financing report is false or misleading. Section 266(3) of the *Election Act* states that an individual is not guilty of an offence under that section if that person (a) did not know that information in the report was false or misleading; and (b) with the exercise of reasonable diligence, could not have known that it was false or misleading.

On the evidence presented to the Special Prosecutor, there is nothing to show that Kash Heed had any personal knowledge that the election financing report was false. In addition, given the facts that give rise to the obstruction charges against Barinder Sall and Dinesh Khanna and the charge of falsification of a document against Barinder Sall, there is no substantial likelihood of conviction of Mr. Heed. In these circumstances, a court would likely find that even with the exercise of reasonable diligence, Kash Heed could not have known about the conduct of Barinder Sall and Dinesh Khanna.

Criminal Justice Branch HQ  
Ministry of Attorney General

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Victoria, BC V8W 9J7  
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Fax: (250) 387-0090

Mr. Robertson, a senior Vancouver lawyer, was appointed on January 12, 2010 by Assistant Deputy Attorney General Robert W.G. Gillen, Q.C. after the Royal Canadian Mounted Police requested the appointment of a Special Prosecutor in connection with this investigation.

Mr. Robertson's mandate included:

- Discussing with police investigators assigned to the case any matters on which they required prosecutorial advice, and providing such advice as was necessary in the event that further investigation was required;
- Conducting an independent charge assessment based on any Report to Crown Counsel that was forwarded to him concerning the matter and making the charging decision he deemed appropriate in the independent exercise of his prosecutorial discretion;
- Providing a written report to the Assistant Deputy Attorney General with the reasons for any charging decision;
- If in his view a prosecution is warranted, conducting that prosecution and any subsequent appeal.

In accordance with the mandate granted previously, Mr. Robertson will now continue with conduct of the prosecution.

This Media Statement has been reviewed by Mr. Robertson, who has approved its release.

As the matter is now before the Court, additional details with respect to the investigation cannot be released at this time.

Media Contact: Neil MacKenzie  
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Criminal Justice Branch  
(250) 387-5169

Terrence Robertson, Q.C.  
Harper Grey LLP  
(604) 687-0411

## INFORMATION/DÉNONCIATION

Court Identifier: 2040 - P - R - A  
Court File Number: 213486  
Type Reference:  
Info. Seq. Number: 1  
Agency File Number: RCMC:09-7109

DNA:   
K File:   
SOR:

CANADA:

PROVINCE OF BRITISH COLUMBIA  
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Page 1 of 2

This is the information of / Les présentes constituent la dénonciation de MICHAEL ROFFMAN, a  
Peace Officer (the "informant" / le "dénonciateur") of / de Surrey, British Columbia.

The informant says that the informant has reasonable and probable grounds to believe and does believe that / Le  
dénonciateur déclare qu'il a des motifs raisonnables et probables et croit effectivement que

### Count 1

Dinesh KHANNA, from the 4th day of May, 2009, to the 5th day of May, inclusive, at or near Richmond, in the  
Province of British Columbia, did publish election advertising that failed to identify the name of the sponsor or, in  
the case of a candidate, the name of the candidate's financial agent or the financial agent of the registered political  
party represented by the candidate and failed to give a telephone number or mailing address at which the sponsor or  
financial agent may be contacted regarding the advertising, in contravention of s. 231 of the Election Act, R.S.B.C.  
1996, c. 106, contrary to s. 264(1)(b) of the Election Act.

### Count 2

Dinesh KHANNA, on or about the 7th day of May, 2009, at or near Richmond, in the Province of British Columbia,  
did tell a false story to Gregory Macdonald, thereby impeding an individual performing duties and exercising  
powers given to the individual under the Election Act, R.S.B.C. 1996, c. 106, namely Gregory Macdonald, contrary  
to s. 265(1)(e) of the Election Act.

*MCK.*  
*70*

### INFORMATION/DÉNONCIATION

Court Identifier: 2040 - P - R - A
Court File Number: 213486
Type Reference:
Info. Seq. Number: 1
Agency File Number: RCMC:09-7109
DNA: <input type="checkbox"/>
K File: <input type="checkbox"/>
SOR: <input type="checkbox"/>

CANADA:  
PROVINCE OF BRITISH COLUMBIA  
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Page 2 of 2

Count 3

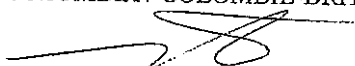
Dinesh KHANNA, from the 14th day of July, 2009, to the 16th day of July, 2009, at or near Richmond, in the Province of British Columbia, did tell a false story, including providing a telephone number for a fictitious individual, "Jag", to Constable Kimberly Stark and Staff Sergeant Bud Bishop, thereby impeding or obstructing an individual performing duties and exercising powers given to the individual under the Election Act, namely Constable Kimberly Stark and Staff Sergeant Bud Bishop, contrary to s. 265(1)(e) of the Election Act.

SWORN BEFORE ME / ASSERMENTÉ DEVANT MOI

ON / CE 3<sup>rd</sup> DAY OF / JOUR DE  
May, 2010.

AT / À Vancouver,

BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE



A JUSTICE OF THE PEACE IN AND FOR THE  
PROVINCE OF BRITISH COLUMBIA  
JUGE DE PAIX DANS ET POUR LA PROVINCE DE  
LA COLOMBIE-BRITANNIQUE

MC Koppig Cpl.

(SIGNATURE OF INFORMANT)  
(SIGNATURE DU DÉNONCIATEUR)

Summons

PROCESS CONFIRMED / ACTE DE PROCEDURE  
CONFIRMÉ



A JUSTICE OF THE PEACE IN AND FOR THE  
PROVINCE OF BRITISH COLUMBIA  
JUGE DE PAIX DANS ET POUR LA PROVINCE DE  
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# INFORMATION/DÉNONCIATION

Court Identifier: 2040 - P - R - A
Court File Number: 213487
Type Reference:
Info. Seq. Number: 1
Agency File Number: RCMC:09-7109
DNA: <input checked="" type="checkbox"/>
K File: <input type="checkbox"/>
SOR: <input type="checkbox"/>

CANADA:  
PROVINCE OF BRITISH COLUMBIA  
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Page 1 of 1

"BY INDICTMENT"

This is the information of / Les présentes constituent la dénonciation de MICHAEL KOPPANG, a Peace Officer (the "informant" / le "dénoncateur") of / de Surrey, British Columbia.

The informant says that the informant has reasonable and probable grounds to believe and does believe that / Le dénonciateur déclare qu'il a des motifs raisonnables et probables et croit effectivement que

Count 1

Dinesh KHANNA, on or about the 7th day of May, 2009, at or near Richmond, in the Province of British Columbia, did wilfully attempt to obstruct the course of justice in a judicial proceeding by telling a false story to an individual conducting an investigation, namely Gregory Macdonald, contrary to Section 139(2) of the Criminal Code.

Count 2

Dinesh KHANNA, from the 14th day of July, 2009, to the 16th day of July, 2009, inclusive, at or near Richmond, in the Province of British Columbia, did wilfully attempt to obstruct the course of justice in a judicial proceeding by telling a false story, including providing a telephone number for a fictitious individual, "Jag", to an individual conducting an investigation, namely Constable Kimberly Stark or Staff Sergeant Bud Bishop, contrary to Section 139(2) of the Criminal Code.

SWORN BEFORE ME / ASSERMENÉ DEVANT MOI

ON / CE 3<sup>rd</sup> DAY OF / JOUR DE  
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AT / À Vancouver,

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PROVINCE OF BRITISH COLUMBIA  
JUGE DE PAIX DANS ET POUR LA PROVINCE DE  
LA COLOMBIE-BRITANNIQUE

McKoppang Cpl  
(SIGNATURE OF INFORMANT)  
(SIGNATURE DU DÉNONCIATEUR)

Summons

PROCESS CONFIRMED / ACTE DE PROCEDURE  
CONFIRMÉ



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JUGE DE PAIX DANS ET POUR LA PROVINCE DE  
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## INFORMATION/DÉNONCIATION

Court Identifier: 2040 - P - R - A
Court File Number: 213488
Type Reference:
Info. Seq. Number: 1
Agency File Number: RCMC:09-7109
DNA: <input type="checkbox"/>
K File: <input type="checkbox"/>
SOR: <input type="checkbox"/>

CANADA:  
PROVINCE OF BRITISH COLUMBIA  
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Page 1 of 2

This is the information of / Les présentes constituent la dénonciation de MICHAEL KOPPING, a  
Peace Officer (the "informant" / le "dénoncateur") of / de Surrey, British Columbia.

The informant says that the informant has reasonable and probable grounds to believe and does believe that / Le  
dénoncateur déclare qu'il a des motifs raisonnables et probables et croit effectivement que

### Count 1

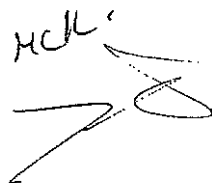
Barinder Singh SALL, from the 4th day of May, 2009, to the 5th day of May, 2009, at or near Vancouver and Richmond, in the Province of British Columbia, did publish election advertising that failed to identify the name of the sponsor or, in the case of a candidate, the name of the candidate's financial agent or the financial agent of the registered political party represented by the candidate and failed to give a telephone number or mailing address at which the sponsor or financial agent may be contacted regarding the advertising, in contravention of s. 231 of the Election Act, R.S.B.C. 1996, c. 106, contrary to s. 264(1)(b) of the Election Act.

### Count 2

Barinder Singh SALL, from the 7th day of May, 2009, to the 11th day of May, 2009, at or near Vancouver, in the Province of British Columbia, did impersonate a fictitious individual "Jag" to Gregory Macdonald, thereby impeding or obstructing an individual performing duties and exercising powers given to the individual under the Election Act, R.S.B.C. 1996, c. 106, namely Gregory MacDonald, contrary to s. 265(1)(e) of the Election Act.

### Count 3

Barinder Singh SALL, from the 14th day of July, 2009, to the 16th day of July, 2009, at or near Vancouver, in the Province of British Columbia, did fabricate a false story and arranged for that false story to be provided to Constable Kimberly Stark and Staff Sergeant Bud Bishop, thereby impeding or obstructing an individual performing duties and exercising powers given to the individual under the Election Act, R.S.B.C. 1996, c. 106, namely Constable Kimberly Stark and Staff Sergeant Bud Bishop, contrary to s. 265(1)(e) of the Election Act.

MCK  


INFORMATION/DÉNONCIATION

Court Identifier: 2040 - P - R - A
Court File Number: 213488
Type Reference:
Info. Seq. Number: 1
Agency File Number: RCMC:09-7109
DNA: <input type="checkbox"/>
K File: <input type="checkbox"/>
SOR: <input type="checkbox"/>

CANADA:  
PROVINCE OF BRITISH COLUMBIA  
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Count 4


Satpal S JOHL, on or about the 7th day of August, 2009, at or near Vancouver, in the Province of British Columbia, being a financial agent pursuant to the Election Act, R.S.B.C. 1996, c. 106, did fail to ensure that all election expenses of the organization or individual for whom he was acting were properly recorded for the purposes of the Election Act, in contravention of s. 177(2)(a) of the Election Act, contrary to s. 263(1)(b) of the Election Act.

SWORN BEFORE ME / ASSERMENTÉ DEVANT MOI

ON / CE 3<sup>rd</sup> DAY OF / JOUR DE  
May, 2010.


AT / À Vancouver,

BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE

  
A JUSTICE OF THE PEACE IN AND FOR THE  
PROVINCE OF BRITISH COLUMBIA  
JUGE DE PAIX DANS ET POUR LA PROVINCE DE  
LA COLOMBIE-BRITANNIQUE

Mc Koy Cpl.  
(SIGNATURE OF INFORMANT)  
(SIGNATURE DU DÉNONCIATEUR)  
SALL - Enforced Warrant.

John - Summons  
PROCESS CONFIRMED / ACTE DE PROCEDURE  
CONFIRMÉ

  
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PROVINCE OF BRITISH COLUMBIA  
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INFORMATION/DÉNONCIATION

Court Identifier: 2040 - P - R - A
Court File Number: 213489
Type Reference:
Info. Seq. Number: 1
Agency File Number: RCMC:09-7109
DNA: <input checked="" type="checkbox"/>
K File: <input type="checkbox"/>
SOR: <input type="checkbox"/>

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The informant says that the informant has reasonable and probable grounds to believe and does believe that / Le  
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Count 1

Barinder Singh SALL, from the 7th day of May, 2009 to the 11th day of May, 2009, inclusive, at or near  
Vancouver, in the Province of British Columbia, did wilfully attempt to obstruct the course of justice in a judicial  
proceeding by impersonating a fictitious individual, "Jag", to Gregory Macdonald to an individual conducting an  
investigation, namely Gregory Macdonald, contrary to Section 139(2) of the Criminal Code.

Count 2

Barinder Singh SALL, from the 7th day of May, 2009 to the 11th day of May, 2009, inclusive, at or near  
Vancouver, in the Province of British Columbia, did wilfully attempt to obstruct the course of justice in a judicial  
proceeding by fabricating a false story and arranging for that false story to be provided to an individual conducting  
an investigation, namely Constable Kimberly Stark or Staff Sergeant Bud Bishop, contrary to Section 139(2) of the  
Criminal Code.

Count 3

Barinder Singh SALL, from the 30th day of July, 2009 to the 8th day of August, 2009, inclusive, at or near  
Vancouver, in the Province of British Columbia, did with intent to defraud Elections BC, falsify an advertising  
sponsor disclosure report filed for Sean Patrick Stevens, contrary to Section 397(1)(a) of the Criminal Code.

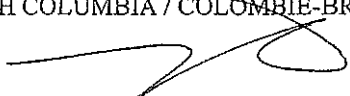
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ON / CE 3<sup>rd</sup> DAY OF / JOUR DE

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LA COLOMBIE-BRITANNIQUE

Michael Kopang Cpl  
(SIGNATURE OF INFORMANT)  
(SIGNATURE DU DÉNONCIATEUR)

Warrant Endorsed  
PROCESS CONFIRMED / ACTE DE PROCEDURE  
CONFIRMÉ

  
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