



# **MEDIA STATEMENT**

## **CRIMINAL JUSTICE BRANCH**

May 4, 2010

10-08

### **Special Prosecutor Withdraws From Case**

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced that Special Prosecutor Terrence Robertson, Q.C. has withdrawn from the case arising from an investigation into the campaign office of Kash Heed.

Assistant Deputy Attorney General Robert W.G. Gillen, Q.C. was advised of Mr. Robertson's decision by way of a letter received May 4, 2010, a copy of which is attached to this release. Mr. Gillen has accepted Mr. Robertson's decision, and will be taking steps forthwith to appoint a new Special Prosecutor to oversee conduct of the case.

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File Number: 120247

May 4, 2010

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(2 page(s) including this page)

**CONFIDENTIAL**

Ministry of Attorney General of  
British Columbia  
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Attention: Robert W. Gillen, Q.C.

Dear Sirs/Mesdames:

**Re: Elections Act and Kash Heed's Constituency Office**

I write to advise you that I am withdrawing as the Special Prosecutor appointed pursuant to the *Crown Counsel Act* to deal with the issue of charge approval, the prosecution of individuals arising out of the Kash Heed election of May, 2009.

I am a partner in the law firm of Harper Grey LLP. Sometime in May of 2009, shortly before the Provincial Election, my law firm made a political contribution of \$1,000.00 to the B.C. Liberal Party, Kash Heed election campaign.

I was appointed Special Prosecutor on January 12, 2010. I was aware of the contribution to the Heed campaign by my law firm, but did not believe that it was a conflict of interest that would preclude me from acting as Special Prosecutor.

Following the receipt of the report to Crown Counsel and my analysis of the available evidence, and after applying the substantial likelihood of conviction and public interest tests, I concluded, as reported to you earlier, that charges would be laid against Barinder Sall, Dinesh Khanna and Satpal Johl. I did not approve charges against Kash Heed on the basis that there was inadequate evidence to satisfy the substantial likelihood of conviction test. Several

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**Harper Grey LLP**

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weeks before charge approval, I was asked by the RCMP whether I felt there was a conflict of interest due to my firm making a campaign contribution. I provided my opinion that I did not feel there was a conflict.

Given that charges were not approved against Kash Heed and upon further reflection, I have concluded that my continuing as Special Prosecutor on this matter may well provoke comment from the public and the media as to whether I am sufficiently independent to act as Special Prosecutor in this matter. Although I have complete confidence that my decision was made objectively and on the basis of the application of the appropriate test to the evidence presented to me, I feel that it would be inappropriate for me to continue as I do not wish this possible perception to impair the orderly progress of a prosecution in this matter.

I trust this letter is sufficient notice to you of my withdrawal as Special Prosecutor on this file. I will, of course, cooperate fully with respect to my successor, given that I am not in a position, due to the conflict, to continue.

Yours truly,

**HARPER GREY LLP**



Per: Terrence L. Robertson, Q.C.

TLR/cds

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