



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

July 20, 2010

10-16

Special Prosecutor Appointed

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that Robert A. Bruneau has been appointed as an independent Special Prosecutor in the matter of Kiel Samotej and David Christopher Macdonald.

Mr. Bruneau, a senior Kamloops lawyer, was appointed on July 20, 2010 to review an investigative report prepared by the R.C.M.P. relating to events alleged to have occurred in Kelowna on August 7, 2009. Crown Counsel in Kamloops previously approved a charge of assault against Mr. Samotej and Mr. Macdonald, and the case is currently scheduled for trial in Kelowna on July 4th and 5th, 2011.

Mr. Samotej is the son of a cousin of Assistant Deputy Attorney General Robert W.G. Gillen, Q.C. Mr. Gillen has concluded that although Mr. Samotej is not a member of his immediate family, in the circumstances it is appropriate that a Special Prosecutor take conduct of the case.

Mr. Bruneau's mandate includes:

- Conducting an independent reassessment of the Report to Crown Counsel submitted by police and making the charging decision he deems appropriate in the exercise of his independent prosecutorial discretion;
- Offering such legal advice as is necessary to the police in the event that any further investigation by them is required;
- Providing a written report to the Assistant Deputy Attorney General with the results of his review and the reasons for any charging decision;
- If in his view continuing the prosecution is warranted, conducting that prosecution and any subsequent appeal.

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The Assistant Deputy Attorney General for the Criminal Justice Branch appoints Special Prosecutors pursuant to the Crown Counsel Act when there is a significant potential for real or perceived improper influence in the administration of criminal justice.

The decisions of Special Prosecutors are final, subject only to receiving written directions from the Attorney General, Deputy Attorney General or Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be made public by publishing them in the Gazette.

As this matter is currently with the Special Prosecutor it would not be appropriate for the Criminal Justice Branch to comment any further at this time.

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