



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

August 13, 2014

14-18

Special Prosecutor Approves Charges in Bountiful Investigation

Victoria – The Criminal Justice Branch, Ministry of Justice, announced today that independent Special Prosecutor Peter Wilson, Q.C., has approved criminal charges against a number of individuals associated with the community known as Bountiful, near Creston, British Columbia.

The charges allege polygamy and the unlawful removal of children under the age of 16 years from Canada with the intention that an act be committed outside Canada that would be an offence against section 151 (sexual interference) or 152 (invitation to sexual touching) of the *Criminal Code*.

Winston Kaye Blackmore and James Marion Oler each face charges of polygamy, contrary to section 293 of the *Criminal Code*. James Marion Oler also faces a charge under section 273.3 of the *Criminal Code* for the alleged unlawful removal of a child from Canada.

In addition, Brandon James Blackmore and Emily Ruth Crossfield each face a charge under section 273.3 for the alleged unlawful removal of a child from Canada.

The charges were sworn this morning in Cranbrook, under British Columbia Provincial Court file numbers 31247-1 and 31248-1. Copies of the Informations (or charging documents) that set out the alleged offences are attached to this Statement. First appearance on the files is anticipated to be on October 9, 2014 in Provincial Court in Creston.

Mr. Wilson, who is a senior lawyer in private practice in Vancouver, was appointed as an independent Special Prosecutor on January 17, 2012. His initial mandate included:

- Offering legal advice to the police in their continuing investigation of individuals associated to the community of Bountiful;
- Independently reviewing any investigative report prepared by the police, as well as any materials assembled by the Criminal Justice Branch and any other information that the investigating officers might provide to him for his consideration;
- Making the charging decision he deemed appropriate;

Branch Vision

Courageous, Fair and Efficient – A Prosecution Service that has the Confidence of the Public.

Office of the
Assistant Deputy Attorney General
Criminal Justice Branch
Ministry of Justice

Mailing Address:
PO Box 9276 Stn Prov Govt
Victoria, BC V8W 9J7

Office Location:
9th Floor, 1001 Douglas Street
Victoria, BC V8W 9J7
Telephone: (250) 387-3840
Fax: (250) 387-0090

- As part of any charge assessment, considering, if the evidence supported it, the possible prosecution of sexual exploitation and other alleged offences against minors by individuals associated with the community of Bountiful, from the early 1980s to the present;
- If in his view a prosecution was warranted, conducting the prosecution and any subsequent appeals.

On January 31, 2012, Mr. Wilson's mandate as a Special Prosecutor was expanded to include consideration of potential offences under the polygamy provisions of the *Criminal Code*.

Mr. Wilson received two Reports to Crown Counsel from the R.C.M.P., the first in July 2013 and the second in January 2014. Some of the material provided to Mr. Wilson consisted of evidence that had been considered in earlier charge assessments by the Criminal Justice Branch and previous Special Prosecutors. Other portions of the material were new and derived from investigations in the United States that involved members of the Fundamentalist Latter Day Saints (FLDS) communities in Arizona, Texas and Utah.

Investigations into polygamy and related matters have been the subject of considerable scrutiny over the past two decades in British Columbia. A number of legal assessments and proceedings have taken place, ultimately leading to a Reference which was initiated in British Columbia Supreme Court by the provincial Attorney General in 2009. The Reference under the *Constitutional Questions Act* sought to answer whether section 293 of the *Criminal Code* (the polygamy provision) is consistent with the *Canadian Charter of Rights and Freedoms*. After what was characterized by the Court as "the most comprehensive judicial record on the subject ever produced", Chief Justice Bauman (who was then the Chief Justice of the British Columbia Supreme Court), upheld section 293 as constitutional on November 23, 2011.

Subsequent to the Reference ruling, the then Assistant Deputy Attorney General of the Criminal Justice Branch, Robert Gillen, Q.C., appointed Mr. Wilson as a Special Prosecutor with the mandate noted above.

In approving polygamy charges, Mr. Wilson considered evidence previously collected by police, new evidence, as well as the Reference decision. The polygamy charges that have been approved against Winston Kaye Blackmore and James Marion Oler are similar to the charges that these two individuals faced in 2009 before the Reference commenced.

The charges under section 273.3 of the *Criminal Code* alleging the unlawful removal of a child from Canada are based primarily on new information that came to light as a result of investigations that unfolded in the United States. The R.C.M.P. obtained a large volume of documentary information seized by investigative authorities in the United States.

On the available evidence, Mr. Wilson declined to approve other criminal charges; namely, alleged offences of sexual exploitation contrary to section 153 of the *Criminal Code*. He did so after determining that the standard for approving charges, set out in Branch policy, was not met in relation to these offences

Given that two prosecutions are now before the Court arising from the overall investigation, it would not be appropriate at this time to provide a detailed explanation on this latter aspect of

Mr. Wilson's charge assessment. When the existing prosecutions are completed, the Criminal Justice Branch will consult with Mr. Wilson on whether the release of additional detail in the form of a Clear Statement relating to his decision on these latter allegations is necessary and appropriate.

Pursuant to his decision to approve charges, and in accordance with his mandate, Mr. Wilson will continue with conduct of the new prosecutions.

This Media Statement has been reviewed by the Special Prosecutor and he has approved its release. As the matter is now before the Courts additional details cannot be released, in order to protect the fairness and integrity of the court process. Neither the Special Prosecutor, nor the Criminal Justice Branch, will make any further statements at this time.

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

To learn more about B.C.'s criminal justice system visit the British Columbia Prosecution Service website at:

<http://www.ag.gov.bc.ca/prosecution-service/>

or Justice B.C. :

www.justicebc.ca/en/cjis/index.html

INFORMATION / DÉNONCIATION

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

Court Identifier:	4721: PRA
Court File Number:	31247
Type Reference:	
Inf. Seq Number:	1
Agency File Number:	305:05-598
DNA:	<input checked="" type="checkbox"/>
SOR:	<input type="checkbox"/>
K File:	<input type="checkbox"/>

"By Indictment"

This is the information of / Les présentes constituent la dénonciation de **T Jacklin**, a / un(e) **Peace Officer** (the "Informant" / le "Dénonciateur") of / de **Cranbrook**, British Columbia / Colombie-Britannique.

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

Winston Kaye BLACKMORE, between on or about the 12th day of October, 1990, and on or about the 28th day of February, 2014, at or near Creston, in the Province of British Columbia, practiced a form of polygamy, or practiced a kind of conjugal union with Christina Maud Blackmore, Mary Anne Blackmore, Marjorie Johnson, Susan Eleene Gallup, Harmony Quinton, Marsha Carol Chatwin, Ruth Ann Lane, Diane Lynn Lane, Edith Louise Barlow, Leah Barlow, Marlina Fischer, Zelpha Ann Chatwin, Janelle Lona Fischer, Jennifer Johnson, Susie Lorraine Johnson, Shalina Ann Palmer, Luella Elise Barlow, Sharon Johnson, Elise Marie Steed, Alhoa Alaire Blackmore Oler, Constance Catherine Broadbent, Janella Cherene Palmer, Carlene Thomson, Shirley Karma Black, contrary to section 293(1)(a) of the Criminal Code.

Count 2

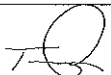
James Marion OLER, between on or about the 30th day of May, 1993, and on or about the 7th day of January, 2009, at or near Creston, in the Province of British Columbia, practiced a form of polygamy, or practiced a kind of conjugal union with Gwen Renae Oler, Chantel Quinton, Amelia Steed, and Carole Barlow, contrary to section 293(1)(a) of the Criminal Code.

THE INFORMATION SWORN ON **AUGUST 13, 2014** CONTAINS A TOTAL OF 2 COUNTS ON 1 PAGE.

SWORN BEFORE ME / ASSERMENTÉ DEVANT MOI
ON / CE **13TH** DAY OF / JOUR DE **AUGUST, 2014**
AT / Á **CRANBROOK**
BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE

J. Brock 2014.08.13 08:52:57
-06'00'

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

Other Signer
Wed Aug 13 2014 08:52:49 

SIGNATURE OF INFORMANT /
SIGNATURE DU DÉNONCIATEUR

**Winston BLACKMORE, James Marion OLER: Warrant
PROCESS / ACTE DE PROCÉDURE ISSUED**

J. Brock 2014.08.13 08:59:50
-06'00'

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

INFORMATION / DÉNONCIATION

Court Identifier:	4721: PRA
Court File Number:	31248
Type Reference:	
Inf. Seq Number:	1
Agency File Number:	305:11-387
DNA:	<input checked="" type="checkbox"/>
SOR:	<input type="checkbox"/>
K File:	<input type="checkbox"/>

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

"By Indictment"

This is the information of / Les présentes constituent la dénonciation de **T Jacklin**, a / un(e) **Peace Officer** (the "Informant" / le "Dénonciateur") of / de **Kelowna**, British Columbia / Colombie-Britannique.

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

Brandon James BLACKMORE, on or about the 27th day of February, 2004, in or near Creston, in the Province of British Columbia, and/or near the Canadian and United States border, near Creston, in the Province of British Columbia, with the intention of facilitating an act outside of Canada that would be an offence in Canada under section 151 or 152 of the Criminal Code, in respect of M.M.B., a person under the age of 16 years who was ordinarily resident in Canada, did engage in activity for the purpose of removing M.M.B. from Canada, contrary to section 273.3(2) of the Criminal Code.

Count 2

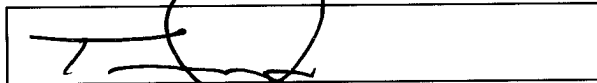
Emily Ruth Gail CROSSFIELD, on or about the 27th day of February, 2004, in or near Creston, in the Province of British Columbia, and/or near the Canadian and United States border, near Creston, in the Province of British Columbia, with the intention of facilitating an act outside of Canada that would be an offence in Canada under section 151 or 152 of the Criminal Code, in respect of M.M.B., a person under the age of 16 years who was ordinarily resident in Canada, did engage in activity for the purpose of removing M.M.B. from Canada, contrary to section 273.3(2) of the Criminal Code.

Count 3

James Marion OLER, on or about the 24th day of ~~January~~ ^{June}, 2004, in or near Creston, in the Province of British Columbia, and/or near the Canadian and United States border, near Creston, in the Province of British Columbia, with the intention of facilitating an act outside of Canada that would be an offence in Canada under section 151 or 152 of the Criminal Code, in respect of C.E.O, a person under the age of 16 years who was ordinarily resident in Canada, did engage in activity for the purpose of removing C.E.O. from Canada, contrary to section 273.3(2) of the Criminal Code.

THE INFORMATION SWORN ON 13 August 2014 CONTAINS A TOTAL OF 3 COUNTS ON 1 PAGE.

SWORN / AFFIRMED BEFORE ME /
 ASSERMENTÉ / AFFIRMÉ DEVANT MOI
 ON / CE 13 DAY OF / JOUR DE August 2014
 AT / A Cranbrook
 BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE



SIGNATURE OF INFORMANT /
 SIGNATURE DU DÉNONCIATEUR

BLACKMORE - WARRANT
 UNENDORSED
 CROSSFIELD - WARRANT
 UNENDORSED

PROCESS / ACTE DE PROCÉDURE

CONFIRMED / CONFIRMÉ
 OLER - WARRANT
 UNENDORSED



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