



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

Tuesday, 17 February, 2009

09-01

DELAYED ANNOUNCEMENT OF SPECIAL PROSECUTOR

Victoria – The Criminal Justice Branch of the Ministry of Attorney General today announced the appointment of Dennis Murray Q.C. as an independent Special Prosecutor in relation to the prosecution of Cst. Saxon Peters of Merritt.

Mr. Murray was appointed as independent Special Prosecutor by Assistant Deputy Attorney General Robert W.G. Gillen, Q.C. on March 7, 2008 under section 7 of the *Crown Counsel Act*. In the interests of the administration of justice, Mr. Gillen directed that notice of this appointment be postponed, pursuant to section 8 of the *Crown Counsel Act*, until the prosecution was completed.

On December 19, 2008 Cst. Peters, received a 6 month Conditional Sentence of Imprisonment to be served in the community, having previously entered a guilty plea on October 7, 2008 to a charge of assault causing bodily harm.

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. Mr. Murray was appointed following concerns expressed by counsel for Cst. Peters that the Crown Counsel with previous conduct of the file was influenced in his approach to the case by a pre-existing animus towards counsel for Cst. Peters. In the specific circumstances of this case, and to ensure that there was no appearance of any real or perceived improper influence, Mr. Gillen determined that it was appropriate to appoint an independent Special Prosecutor to assume conduct of the case.

Mr. Murray's mandate as Special Prosecutor included the following:

- Conducting an independent charge assessment review of the charges based on the Report to Crown Counsel submitted by the investigative agency and making the charging decisions as he deemed appropriate in the exercise of his independent prosecutorial discretion. His assessment review was confined to potential offences under the *Criminal Code* and provincial regulatory offences. His decision was to be made in accordance with Criminal Justice Branch policies.

- Offering such legal advice as was necessary to the police in the event that further investigation by them was required;
- Providing a written report to Mr. Gillen with the results of his review and the reasons for his decision;
- If in his view a prosecution was warranted, conducting the prosecution and any subsequent appeal.

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 BC Gazette.

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