



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

December 23, 2009

09-10

Special Prosecutor Appointed

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that an independent Special Prosecutor, Harold J. Rusk, has been appointed to take conduct of the case of Johnathan Kinash, the son of a senior prosecutor with the Criminal Justice Branch.

An Information charging Mr. Kinash with Impaired Driving and Driving with a Blood Alcohol Content over 80 Milligrams was sworn and filed in Provincial Court in Victoria on December 09, 2009. A first appearance in the matter was made on December 10, 2009 and the case was adjourned until January 14, 2010.

Mr. Rusk, a senior Victoria lawyer, was appointed on December 22, 2009 by Richard W. de Boer, the Acting Assistant Deputy Attorney General for the Criminal Justice Branch, to review the Report to Crown Counsel prepared in connection with events alleged to have occurred on October 31, 2009, and to proceed with the matter as he deems appropriate in the independent exercise of his discretion.

Special Prosecutors are appointed under the *Crown Counsel Act* when there is a significant potential for real or perceived improper influence in the exercise of prosecutorial responsibilities, including charge assessment. The decision of a Special Prosecutor is final subject only to receiving written directions from the Attorney General, the Deputy Attorney General or the Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be published in the B.C. Gazette.

As this matter is before the court, it would not be appropriate to comment further on the circumstances of the case at this time.

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