



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

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May 4, 2010

10-05

### Special Prosecutor Approves Charge

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced that independent Special Prosecutor Michael Tammen of Vancouver has approved a charge against a lawyer employed by the Criminal Justice Branch.

An Information charging Ravinder Dusanjh with one count of Failing or Refusing to Comply With a Demand to Provide a Sample of His Breath, contrary to section 254(5) of the Criminal Code, was sworn April 23, 2010 in Provincial Court in Smithers. The next appearance in the matter is May 25, 2010 .

Mr. Tammen, a senior Vancouver lawyer, was appointed on March 18, 2007 by Robert W.G. Gillen, Q.C., Assistant Deputy Attorney General for the Criminal Justice Branch, to review a police report resulting from events alleged to have occurred in Smithers on February 21, 2010.

Mr. Tammen's mandate as Special Prosecutor included:

- Conducting an independent charge review of the Report to Crown Counsel submitted by the investigative agency and making the charging decision in relation to potential offences under the *Criminal Code* and provincial regulatory offences that he deemed appropriate in the exercise of his independent prosecutorial discretion.
- Offering such legal advice as is necessary to the police in the event that further investigation by them is required;
- Providing the Assistant Deputy Attorney General with a written report setting out the results of his review and the reasons for his decision; and
- If in his view a prosecution were warranted, conducting the prosecution and any subsequent appeal.

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In keeping with the terms of his mandate, Mr. Tammen will now continue to have conduct of the prosecution.

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 now before the Court it would not be appropriate to comment any further or provide additional details of the circumstances at this time.

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