



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

May 7, 2010

10-09

Special Prosecutor Appointed

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that Peter Wilson, Q.C., a senior Vancouver lawyer, has been appointed as independent Special Prosecutor to take conduct of the matter arising from an investigation into alleged offences involving the campaign office of Kash Heed.

Mr. Wilson replaces previous Special Prosecutor Terrence Robertson, Q.C. who resigned his appointment on May 4, 2010. While acting as Special Prosecutor, Mr. Robertson oversaw the laying of certain charges, some pursuant to the *Criminal Code* and others pursuant to the *Election Act*.

The Criminal Justice Branch has concluded that in the circumstances the appointment of Mr. Wilson is not precluded or restricted. In *Blackmore vs. The Attorney General of British Columbia* Madam Justice Stromberg-Stein identified a case such as this as an exception to the general rule that successive appointments of Special Prosecutors are not possible. She stated:

[99] The Act restricts the Attorney General's prerogative insofar as he has delegated the charge approval decision to a special prosecutor. This is not to say the Attorney General never has the jurisdiction to appoint another or successive special prosecutors in other circumstances, such as where the mandate has changed due to a change in circumstances or evidence, or it cannot be fulfilled for reasons such as resignation, illness, death, or conflict of interest.

Mr. Wilson's mandate includes the following:

- Discussing with the police investigator, or any other investigating officer assigned to this case, matters on which they require prosecutorial advice and offering such legal advice as the investigators may require during the course of their investigation;

Criminal Justice Branch HQ
Ministry of Attorney General

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

- Reviewing legal advice provided to the police by the previous Special Prosecutor, and reaching such conclusions and offering such additional advice as he deems necessary in relation to any such previous advice;
- Conducting a fresh independent review of the Report to Crown Counsel prepared by police in this matter, without regard for the charge assessment decisions made by Mr. Robertson, and if his assessment differs from that of Mr. Robertson, taking whatever action which he deems appropriate in the independent exercise of his prosecutorial discretion, and in accordance with Criminal Justice Branch policies and the Memorandum of Understanding between the Criminal Justice Branch and the Chief Electoral Officer governing referrals from the Chief Electoral Officer to the Criminal Justice Branch.
- Providing a written report to the Assistant Deputy Attorney General with the reasons for any charge assessment decision; and
- If in his view a prosecution is warranted, conducting the prosecution and any subsequent appeal.

This Media Statement has been reviewed by Mr. Wilson, who has approved its release.

As the matter is now before the Court, additional details with respect to the investigation cannot be released at this time.

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

Peter Wilson, Q.C.
604 684-4751