



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

October 21, 2010

10-19

Decision of Special Prosecutor Announced

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that independent Special Prosecutor Robert A. Bruneau has approved proceeding with the prosecution of Kiel Samotej and David Christopher Macdonald on a charge of assault.

Mr. Bruneau, a senior Kamloops lawyer, was appointed on July 20, 2010 to review an investigative report prepared by the R.C.M.P. relating to events alleged to have occurred in Kelowna on August 7, 2009. Crown Counsel in Kamloops previously approved a charge of assault against Mr. Samotej and Mr. Macdonald, and the case is scheduled for trial in Kelowna on July 4th and 5th, 2011.

Mr. Samotej is the child of a cousin of Assistant Deputy Attorney General Robert W.G. Gillen, Q.C. Mr. Gillen concluded that although Mr. Samotej is not a member of his immediate family, in the circumstances it was appropriate that a Special Prosecutor take conduct of the case.

Mr. Bruneau was provided a mandate which included:

- Conducting an independent reassessment of the Report to Crown Counsel submitted by police and making the charging decision he deemed appropriate in the exercise of his independent prosecutorial discretion;
- Offering such legal advice as was necessary to the police in the event that any further investigation by them were required;
- Providing a written report to the Assistant Deputy Attorney General with the results of his review and the reasons for any charging decision;
- If in his view continuing the prosecution were warranted, conducting that prosecution and any subsequent appeal.

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As a result of his review Mr. Bruneau concluded that there is a substantial likelihood of conviction based on the available evidence and that it is in the public interest to proceed with the charge.

In accordance with the mandate previously granted, Mr. Bruneau 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 currently before the court it would not be appropriate to comment any further at this time.

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