



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

December 3, 2010

10 - 21

R. v. Betty Krawczyk

Victoria – On Thursday December 2, 2010, the British Columbia Court of Appeal issued its decision in the sentence appeal of Betty Krawczyk in relation to her conviction for contempt of court.

The Criminal Justice Branch became involved in the matter in June of 2006 after Madam Justice Brown invited the Attorney General to conduct proceedings in relation to the arrests of Ms. Krawczyk on the 25th and 31st of May and the 27th of June in 2006. Ms Krawczyk was arrested for violating the area restrictions set out in an injunction restraining protestors from interfering with work on a project involving the expansion of the Sea-to-Sky Highway. Where invited by the Court to intervene in such a case, it is the role of Crown counsel to act to protect the authority and integrity of the Court.

On February 8, 2007 Ms. Krawczyk was convicted of contempt of court and on March 5, 2007 she was sentenced to 10 months imprisonment. Ms. Krawczyk appealed her conviction and on May 29, 2009 that appeal was dismissed by the British Columbia Court of Appeal. She also appealed her sentence, and the decision in that appeal was released December 2, 2010.

The Crown did not appeal or cross appeal the sentence imposed on Ms. Krawczyk, which by the time the appeal proceeded had already been fully served.

The Crown completely respects the right of any accused person, including Ms. Krawczyk, to pursue a legal right of appeal. In the course of this proceeding Ms. Krawczyk criticized the conduct of Crown counsel, and incorrectly stated that the Crown was seeking to have her declared a repeat or dangerous offender and locked up for life. These inaccurate comments were reported by some media outlets and were widely distributed.

At no time during the appeal process did the Crown argue that Ms. Krawczyk should receive any increase in sentence. The Crown position was that Ms. Krawczyk's appeal should be dismissed. The Crown took the position that the sentence imposed was a fit sentence.

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

Ms. Krawczyk also incorrectly stated that in the proceeding Crown counsel was equating her with sexual offenders and paedophiles. In legal proceedings it is necessary to provide the Court with cases that set out the relevant legal principles that may assist the court in reaching its decision, notwithstanding the fact that the factual underpinnings of the cases may not be similar to the case before the court.

In this appeal the Crown at no time equated the facts of Ms. Krawczyk's case with cases involving sexual offenders nor did the Crown analogize acts of civil disobedience with sexual offences. During the appeal the Crown relied on two Supreme Court of Canada decisions which establish the principle that an appellate court may only interfere with a sentence if there has been an error in principle, if there was a failure to consider a relevant factor, or an overemphasis of the appropriate factors, or if the sentence is demonstrably unfit. The fact that these cases had involved sexual offenders was incidental and not relevant to Ms. Krawczyk's appeal.

At paragraph 14 of the decision released December 2, 2010 the Court of Appeal specifically commented on Ms Krawczyk's concern:

At the hearing of the appeal, Mrs. Krawczyk indicated that she was offended by the comparison of her case to those of the offenders in these decisions. As the Crown indicated at the hearing, those cases are relevant for the legal principles they contain concerning the limits of the scope of appellate review in sentence appeals, and not for any other purpose.

The Criminal Justice Branch is confident that the prosecutor who had conduct of this matter performed his responsibilities fairly, with integrity and with full recognition of his professional responsibilities to both the Court and to the accused.

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