



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

May 9, 2011

11- 08

Decision of Special Prosecutor Announced

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that independent Special Prosecutor Gail Barnes has approved charges against Kimberly Burton Pollock in connection with an investigation into alleged offences against Member of the Legislative Assembly Jenny Kwan and her family.

An information charging Mr. Pollock with uttering threats to Ms Kwan's spouse to cause death or bodily harm to Ms Kwan, her spouse and their children, and with mischief to property owned by Ms Kwan and her spouse, was sworn Friday in British Columbia Provincial Court in Vancouver. The first appearance in the matter is scheduled for May 12, 2011 in Vancouver.

Ms Barnes, a senior Vancouver lawyer, was appointed by Acting Assistant Deputy Attorney General Richard de Boer on April 14, 2011, following receipt of an investigative report from the Vancouver Police Department including events alleged to have occurred on December 1, 2010 and April 1, 2011. Given Ms Kwan's position as a Member of the Legislative Assembly, Mr. de Boer concluded that it was appropriate to appoint a Special Prosecutor.

Ms Barnes' mandate included:

- Conducting an independent charge review of the Report to Crown Counsel submitted by police and making the charging decision she deemed appropriate in the independent exercise of her 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 her review and the reasons for any charging decision;
- If in her view a prosecution was warranted, conducting that prosecution and any subsequent appeal.

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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 for the Criminal Justice Branch or the Special Prosecutor to comment any further at this time.

This Media Statement has been reviewed by the Special Prosecutor, who has approved its release.

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