



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

September 26, 2012

12-11

Decision of Special Prosecutor Announced

Victoria - The Criminal Justice Branch of the Ministry of Justice announced today that independent Special Prosecutor Christopher M. Considine, Q.C. has reviewed an investigative report that was sent to the Crown by Victoria police for charge assessment in relation to Matthew Kuzma, and has determined that it should proceed in Provincial Court as a Crown application for a Peace Bond under s.810(1) of the Criminal Code. Mr. Kuzma is the son of a senior member of the Criminal Justice Branch.

Mr. Considine, a senior Victoria lawyer, was appointed by Acting Assistant Deputy Attorney General Joyce DeWitt-Van Oosten, Q.C. on June 8, 2012 to review an investigative report prepared by the Victoria Police Department in relation to an incident alleged to have occurred in March 2012. Crown Counsel in Victoria had previously reviewed the matter and approved an application for a Peace Bond under section 810(1) against Mr. Kuzma. Ms DeWitt-Van Oosten concluded that given the close relationship between Matthew Kuzma and a senior member of the Criminal Justice Branch, there was a significant potential for real or perceived improper influence in the administration of criminal justice if a member of the Branch were to render any final charging decision, make prosecutorial decisions in the exercise of their discretion, or conduct a resulting prosecution in the event a charge was approved.

Mr. Considine's mandate included:

- Conducting an independent charge review of the Report to Crown Counsel submitted by the investigative agency 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 further investigation by them was required;
- Providing a written report to the Assistant Deputy Attorney General with the results of his review and the reasons for his decision; and

- If in his view a prosecution was warranted, conducting the prosecution and any subsequent appeal.

On September 18, 2012 Mr. Considine formally notified the Assistant Deputy Attorney General that he had reviewed the matter and concluded it was appropriate to continue with the proceeding under section 810(1) of the Criminal Code as previously commenced. The matter is currently set for hearing in Provincial Court in Victoria on December 4, 2012.

As the matter remains before the Court, no further information will be released at this time by the Special Prosecutor or the Criminal Justice Branch.

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