



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

November 30, 2012

12- 15

Decision of Special Prosecutor Announced

Victoria - The Criminal Justice Branch, Ministry of Justice, today announced that independent Special Prosecutor Christopher M. Considine, Q.C. has approved proceeding on a charge of Driving While Prohibited contrary to Section 95(1) of the *Motor Vehicle Act* against Matthew Kuzma, the son of an employee of the Criminal Justice Branch.

Mr. Considine, a senior Victoria lawyer, was appointed by Assistant Deputy Attorney General Joyce DeWitt-Van Oosten, Q.C. on October 15, 2012 to review an investigative report prepared by the Canadian Forces Military Police in relation to an incident alleged to have occurred on August 28, 2012. Crown Counsel in Victoria initially reviewed the matter and approved a charge under section 95(1) of the *Motor Vehicle Act* against Mr. Kuzma.

Ms. DeWitt-Van Oosten concluded that given the close relationship to 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 members 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

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

Mr. Considine has concluded that it is appropriate to continue with the charge as laid under the *Motor Vehicle Act*. In accordance with the mandate granted, Mr. Considine will continue with conduct of the prosecution. The matter has been set for trial in Provincial Court in Victoria on April 23, 2013.

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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