



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

March 13, 2014

14-06

Branch Announces Appointments of Special Prosecutors

R. v. Leslie Earl Brown

On November 1, 2013, Assistant Deputy Attorney General M. Joyce DeWitt-Van Oosten, QC appointed Michael Tammen, QC, a senior Vancouver lawyer, as an independent Special Prosecutor in relation to an R.C.M.P. investigation into abusive and threatening comments directed toward Member of the Legislative Assembly Mike Bernier. The comments had allegedly been posted on the internet by Leslie Earl Brown. In addition, police officers who investigated the matter were alleged to have been subjected to threatening comments from Mr. Brown.

The file was initially reviewed by the Criminal Justice Branch and charges were approved against Mr. Brown. However, given the circumstances and the fact that the subject of the alleged criminal harassment is a sitting M.L.A., Ms DeWitt-Van Oosten subsequently concluded that it was necessary to appoint a Special Prosecutor to avoid any potential for real or perceived improper influence in the administration of criminal justice.

Mr. Tammen's mandate included:

- Conducting an independent charge assessment review of the existing charges and the investigative report prepared by the R.C.M.P. and making the charging decision he considered appropriate;
- Offering such legal advice to police as was necessary in the event that further investigation by them were required;
- Providing a written report to the Assistant Deputy Attorney General with the result of his review; and
- If he concluded that a prosecution was warranted, conducting the prosecution and any subsequent appeals.

Following the initial charge assessment by the Criminal Justice Branch, Mr. Brown was charged with Criminal Harassment of Mr. Bernier; Unlawful Intimidation (of members of the R.C.M.P.); two counts of Uttering Threats to Cause Death or Bodily Harm (to members of the R.C.M.P); and one count of Assaulting a Peace Officer (relating to a member of the R.C.M.P.). These

Branch Vision

Courageous, Fair and Efficient – A Prosecution Service that has the Confidence of the Public.

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charges were sworn under file number 31989 in the Dawson Creek Registry of the British Columbia Provincial Court on October 28, 2013.

On completing his review of the matter, Mr. Tammen approved proceeding against Mr. Brown on the same charges that were previously approved by the Branch.

On February 28, 2104, Mr. Brown pleaded guilty to Criminal Harassment and to Uttering Threats to members of the R.C.M.P. He received a six month conditional jail sentence and 18 months probation for Criminal Harassment. Taking into account 4 months which Mr. Brown had spent in custody the court imposed a sentence of 1 day in jail on the charge of Uttering Threats.

Announcement of the appointment of Mr. Tammen was initially postponed pending completion of his charge assessment review. Following consultation with the Special Prosecutor, and taking into account the specific circumstances of the case, the Branch concluded that issuing a Media Statement announcing the appointment would again be postponed until the proceedings had been concluded in their entirety.

R. v. Leonardo Nathan Fierro

On January 17, 2014, Ms DeWitt-Van Oosten appointed Kris Pechet, a senior New Westminster lawyer, as an independent Special Prosecutor in relation to an allegation that a prosecutor was threatened during a bail hearing in Nelson. The matter was investigated by the Nelson Police Department. The threat was alleged to have been uttered by Leonardo Nathan Fierro on November 15, 2013.

Given that the complainant on the file is an employee of the Criminal Justice Branch, and taking into account the alleged circumstances of the incident, Ms. DeWitt-Van Oosten concluded it was necessary to appoint a Special Prosecutor.

Mr. Pechet's mandate included:

- Conducting an independent charge assessment review of the investigative report prepared by the Nelson Police Department and making the charging decision he considered appropriate;
- Offering such legal advice to police as is necessary in the event that further investigation by them is required;
- Providing a written report to the Assistant Deputy Attorney General with the result of his review; and
- If he concluded that a prosecution was warranted, conducting that prosecution and any subsequent appeals.

On completing his review, Mr. Pechet approved a charge against Mr. Fierro under section 264.1 of the Criminal Code for Uttering a Threat to Cause Death or Bodily Harm. An information charging Mr. Fierro was sworn in Provincial Court in Nelson on February 12, 2014 under file number 24106. The next appearance date in the matter is scheduled for April 1, 2014.

As this matter involves an ongoing prosecution, no additional information will be released by the Branch or Mr. Pechet at this time.

R. v. Michael Melvin Williams

On March 11, 2014, Ms DeWitt-Van Oosten appointed Mark Jetté, a senior Vancouver lawyer, as an independent Special Prosecutor in relation to an incident which occurred at the constituency office of Spencer Chandra Herbert, a sitting Member of the Legislative Assembly. It is alleged that Mr. Chandra Herbert's constituency assistant was assaulted, and that the office was damaged. The matter was investigated by the Vancouver Police Department. The file was initially reviewed by the Criminal Justice Branch and charges of Assault and Mischief were approved against Michael Melvin Williams.

An information charging Mr. Williams was sworn in Downtown Community Court in Vancouver on February 28, 2014 under file number 15947-1.

Given the close connection of the case to Mr. Chandra Herbert, and his position as a sitting M.L.A., Ms. DeWitt-Van Oosten subsequently concluded that it was necessary to appoint a Special Prosecutor in the matter.

Mr. Jetté's mandate includes:

- Conducting an independent charge assessment review of the existing charges and the investigative report prepared by the Vancouver Police Department and making the charging decision he considers appropriate;
- Offering such legal advice to police as may be necessary in the event that further investigation is required;
- Providing a written report to the Assistant Deputy Attorney General with the result of his review; and
- If he concludes that a prosecution is warranted, continuing the prosecution and any subsequent appeals.

The first appearance in the matter is currently scheduled for April 4, 2014. As this matter is now under review by the Special Prosecutor, no additional information will be released by the Branch or Mr. Jetté at this time.

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<http://www.ag.gov.bc.ca/prosecution-service/>

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www.justicebc.ca/en/cjis/index.html