



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

November 19, 2015

15-24

Special Prosecutor Withdraws from Case

Victoria – On November 19, 2015, the Criminal Justice Branch (CJB), Ministry of Justice, announced that Greg DelBigio, QC was appointed as a Special Prosecutor to provide legal advice to the R.C.M.P. in relation to an investigation arising out of Information and Privacy Commissioner Elizabeth Denham’s recent report to government.

This appointment was made by M. Joyce DeWitt-Van Oosten, Q.C., who is the Assistant Deputy Attorney General for the Criminal Justice Branch. Ms. DeWitt-Van Oosten is the only person with authority under the *Crown Counsel Act* to appoint a Special Prosecutor, and she does so independent of any consultation with, or the approval of government.

As part of the appointment process both the Criminal Justice Branch, and the individuals under consideration for appointment, appreciate the importance of ensuring that Special Prosecutors be, and appear to be, free from the control or influence of government.

After the CJB released its Media Statement on November 19, questions were publicly raised about the fact that Mr. DelBigio is presently acting as defence counsel in a separate case which is being managed by a Special Prosecutor, involving allegations of offences said to have been committed under the provincial *Election Act* by someone who was an employee of the BC Liberal Party at the material time.

Neither Mr. DelBigio, nor the Criminal Justice Branch, considers this situation as one that gives rise to any real or apparent conflict of interest. However, out of an abundance of caution and in recognition of the importance of safeguarding the perceived and actual integrity of the investigation and prosecution process, Mr. DelBigio has decided to withdraw from his appointment as Special Prosecutor. He has determined, out of respect for the importance of maintaining public confidence in the

Branch Vision

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administration of justice, that even a risk of a perception of potential conflict must be avoided.

Mr. DelBigio made this decision following consultation with the Assistant Deputy Attorney General, who will now take steps to appoint a new Special Prosecutor as soon as reasonably practicable. When that appointment has been made, the Criminal Justice Branch will make a public announcement.

The Branch would like to thank Mr. DelBigio for his professionalism.

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