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22-25

Appointment of Special Prosecutor

Victoria – The BC Prosecution Service (BCPS) announced today that on October 13, 2022, Brock Martland KC was appointed Special Prosecutor in relation to an investigation of a sexual assault alleged to have occurred in Kelowna in May 2022. The suspect was alleged to be Mr. Colin Basran, then the sitting mayor of Kelowna.

The Assistant Deputy Attorney General Peter Juk KC (ADAG) appointed Mr. Martland Special Prosecutor under section 7 of the *Crown Counsel Act* because he considered it in the public interest to do so. The appointment of a Special Prosecutor is intended to avoid any potential for real or perceived improper influence in the administration of justice considering the nature of the allegations and the identity of the accused as an elected municipal official. The investigation was conducted by the Kelowna RCMP Investigative Services Department and the investigative findings were independently reviewed by the Nelson Police Department before the Report to Crown Counsel was forwarded to the Special Prosecutor.

Mr. Martland is a senior Vancouver lawyer in private practice. He was given a mandate to provide legal advice to the RCMP investigators as may be necessary, conduct any related charge assessment, and assume conduct of the prosecution if charges were approved. Mr. Martland has now approved a single charge of sexual assault contrary to section 271 of the *Criminal Code* against Mr. Basran, whose first appearance on this matter is scheduled for January 24, 2023, in Kelowna Provincial Court, file #98632-1.

Announcement of the appointment of the Special Prosecutor was initially postponed pending completion of the investigation and approval of charges. Following consultation with the Special Prosecutor and considering the specific circumstances of the case, the BCPS concluded that issuing a Media Statement was appropriate at this time.

The BCPS policy on Special Prosecutors and a related Information Sheet can be found at:

www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/spe-1.pdf

[Role of Special Prosecutors](#)

The Charge Assessment Guidelines that are applied by the BCPS and Special Prosecutors in reviewing all Reports to Crown Counsel are established in BCPS policy and are available at:

www.gov.bc.ca/charge-assessment-guidelines

As this matter is now before the court, neither the BCPS nor the Special Prosecutor will be making any further comment or releasing any further information.

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