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Superior Court orders Criminal Charges against Native Protester Clyde Powless

PRESS RELEASE

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In Superior Court in Cayuga on March 25, 2009 the judge ordered Clyde Powless to be charged with four criminal offenses which are: Assault of a Peace Officer s270(a), Obstructing a Peace Officer s129(a), being a Member of a Riot s65 and Assault causing bodily harm s269(a). These charges stem from the event on Dec. 1, 2007 in Caledonia.

Mr. Powless has already pled guilty on Dec. 4, 2008 to assaulting Gary McHale from the same event. Commissioner Fantino was a character witness for Mr. Powless at this Dec. 4 hearing. ([Link to Fantino's letter to the Court](#)) Commissioner Fantino's support of one of the key people who was involved in much of the Crimes in Caledonia has resulted in over 7000 people signing a petition to have the Commissioner removed. ([Link to Ken Hewitt's Letter regarding Fantino](#))

It should be noted that Superintendent Cain signed an affidavit on Dec. 14, 2007 telling the court that a Native Protester was already charged with assaulting a police officer. ([Link to Affidavit](#)) However this charge was never filed - someone at the OPP intervened and Stayed the charge. The charge of assaulting a police officer was to be filed against Clyde Powless and it is not the one Ordered filed by Superior Court. Mr. Powless was videotaped assaulting at least 10 different OPP officers on Dec. 1, 2007 over the course of two hours.

What is of interest is that before the Superior Court ordered Mr. Powless to be charged the Crown in Cayuga consented to the charges. All four charges were part of a private prosecution case filed by Gary McHale. The Crown, in March of 2008, directly interfered with the pre-enquete to the point that the Justice of the Peace refused to issue process. Mr. McHale filed an Order of Mandamus before Superior Court to compel the charges to be issued. Due to CANACE's win of Jeff Parkinson's Order of Mandamus on Jan. 12, 2009 in Superior Court the Crown realized they had no option but to consent.

The Crown informed the Court that the Justice of the Peace erred by refusing to issue process because Mr. McHale had provided the court with sufficient evidence for each of the criminal charges. Therefore, the Crown agreed that all charges should be issued against Mr. Powless.

Please feel free to contact us for more information.

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