

Canadian Advocates for Charter Equality



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Two OPP Officers charged for Aiding Native Protesters

PRESS RELEASE

March 18, 2009

In court papers filed by Jeff Parkinson, co-founder of CANACE (Canadian Advocates for Charter Equality), the following statements are made in a private prosecution case against two OPP officers;

"On May 23, 2007 a group of Native Protesters trespassed onto a construction site in Hagersville and brought construction to a stop. OPP Staff Sergeant Phil Carter of Haldimand Detachment was at the scene and was videotaped speaking to local residents. During one conversation Officer Carter stated, "I am dealing with an illegal occupation here..." OPP Officer Rick Fraracci and OPP officer Christopher Galeazza were also at this construction site and were videotaped helping the Native Protesters placing a fence across the entry used by construction vehicles. This helped to block the driveway to the property and is in violation of section 430.1.c and/or 430.1.d of the criminal code - Mischief."

Although the Crown interfered with our right to lay these charges, we filed an Order of Mandamus to get the Superior Court to order the charges laid. On Jan. 12, 2009 Judge Marshall ruled in our favour stating the Justice of the Peace erred in not issuing process of this charge.

The court has now issued a summons to have OPP officer Fraracci and Galeazza appear in Cayuga court on March 25, 2009 on the charge of Mischief.

We are the first in Canada to ever be successful using an Order of Mandamus in a criminal matter. The Jan. 12, 2009 ruling is now listed as the Case Law for such issues.

The Crown's office has also faxed us informing us that they will not contest our other Order of Mandamus and they are consenting to a new pre-enquête which allows us to present the evidence that a Native Protester assaulted OPP officers on Dec. 1, 2007.

Please feel free to contact us for more information.

Gary McHale
President & Executive Director
Canadian Advocates for Charter Equality
Tel/Fax: 905-692-6420
www.CANACE.ca info@CANACE.ca