

Canadian Advocates for Charter Equality



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Crown Violates the Fundamentals of Justice

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Today in a Cayuga Courthouse Crown Attorney Milan Rupic read from a prepared text in which it stated the following:

However, on a review of the record, I am satisfied that Commissioner Fantino's remark (that he would send a bill to Haldimand County if police officers were injured) does not and cannot constitute an offense under section 123... what constitutes a "threat" for the purposes of the criminal law is not identical with the meaning of the word in the vernacular.

The problem is that the Attorney General already conceded that Mr. Fantino's email constitutes a "threat" as understood by the criminal law when the case was before Superior Court Judge Crane on Nov. 5, 2009. The issue raised by the Attorney General was that the "threat" was not issued against someone who was acting in the official capacity as a municipal official.

It was Mr. Fantino's lawyer on Nov. 5, 2009 who argued the email did not constitute a "threat" as understood by the Criminal Code. The Crown disagreed with Mr. Fantino's lawyer.

The Attorney General CANNOT have two kicks at the can. It is against the fundamentals of justice for the Attorney General to concede to a definition of a "threat" then disagree with that in another court room on the same case.

On Dec. 31, 2009 Judge Crane ordered Mr. Fantino to face a criminal charge for sending a threatening email. Justice Brown, Judge Crane and the Attorney General were all in agreement that the email constituted a "threat" under the Criminal Code. The Crown cannot now argue the opposite view

Furthermore, Crown Lawyers do NOT determine what constitutes a criminal offense - Judges make that determination. The Crown had no authority to disrespect the Court by outright disregarding both Justice Brown's and Judge Crane's stated view that the email constituted a "threat" as understood by the Criminal Code.

A Judicial Review will be filed and the Crown will be overruled and the charge will be reinstated. Clearly the Attorney General is playing politics with this case.

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