



March 8, 2004

Fred Poirier  
Box 1198  
Port McNeill, B.C. V0N 2R0

Dear Mr. Poirier:

Your letter to the Attorney General dated January 4, 2004 has been referred to me for reply by Robert W.G. Gillen, Assistant Deputy Attorney General, Criminal Justice Branch. As Regional Crown Counsel, I am responsible for all prosecutions on Vancouver Island, including those in the Port McNeill area.

As you know, on February 2, 2004, Mr. Gillen wrote you to advise that the Criminal Justice Branch cannot provide you with an explanation for the RCMP actions in this case. I have provided a copy of that letter for your ease of reference, and will confine my answer to the decision to approve criminal charges against you. However, in reviewing the file material for that purpose, I note that you did meet with Cst. Paine of the RCMP on September 21, 2000 and were given an opportunity to give a statement in this case.

With respect to the decision to initiate charges against you, that decision was made by an experienced Crown Counsel, David Fitzsimmons, after a review of the complete Report to Crown Counsel, including witness statements. As a result of that review, Mr. Fitzsimmons was of the view that the appropriate charge on the available evidence was under Section 426 (Secret Commission) of the *Criminal Code*, and that there was a substantial likelihood that a conviction would result at trial. Further, it was Mr. Fitzsimmons's view that it was in the public interest to proceed to trial on that charge. Accordingly, since the charge approval test of substantial likelihood of conviction and public interest was met, a charge under Section 426 was laid. The theory of the Crown was:

1. Together with Mr. Love, you advised Mr. Evans, Manager – Community Futures Development Corporation of Mount Waddington (hereinafter referred to as Community Futures) that all of the information regarding past and ongoing misconduct on the part of Community Futures employees and board members, disclosed or alluded to on June 21, 2000, would be released publicly if he "did not do the right thing"

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Ministry of Attorney General  
Criminal Justice Branch

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