

Ministry of the
Attorney General

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Criminal

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Our Reference #: M10-00177

January 8, 2010

By Fax: (289) 286-0423

Mr. Gary McHale
106 Donald Bell Drive
Binbrook, Ontario
L0R 1C0

Dear Mr. McHale,

Thank you for your letter dated January 6, 2010, addressed to the Honourable Chris Bentley, the Attorney General of Ontario, regarding the order of *mandamus* issued on December 31, 2009, by the Honourable Mr. Justice Crane of the Ontario Superior Court of Justice. I have been asked to respond on behalf of the Ministry of the Attorney General.

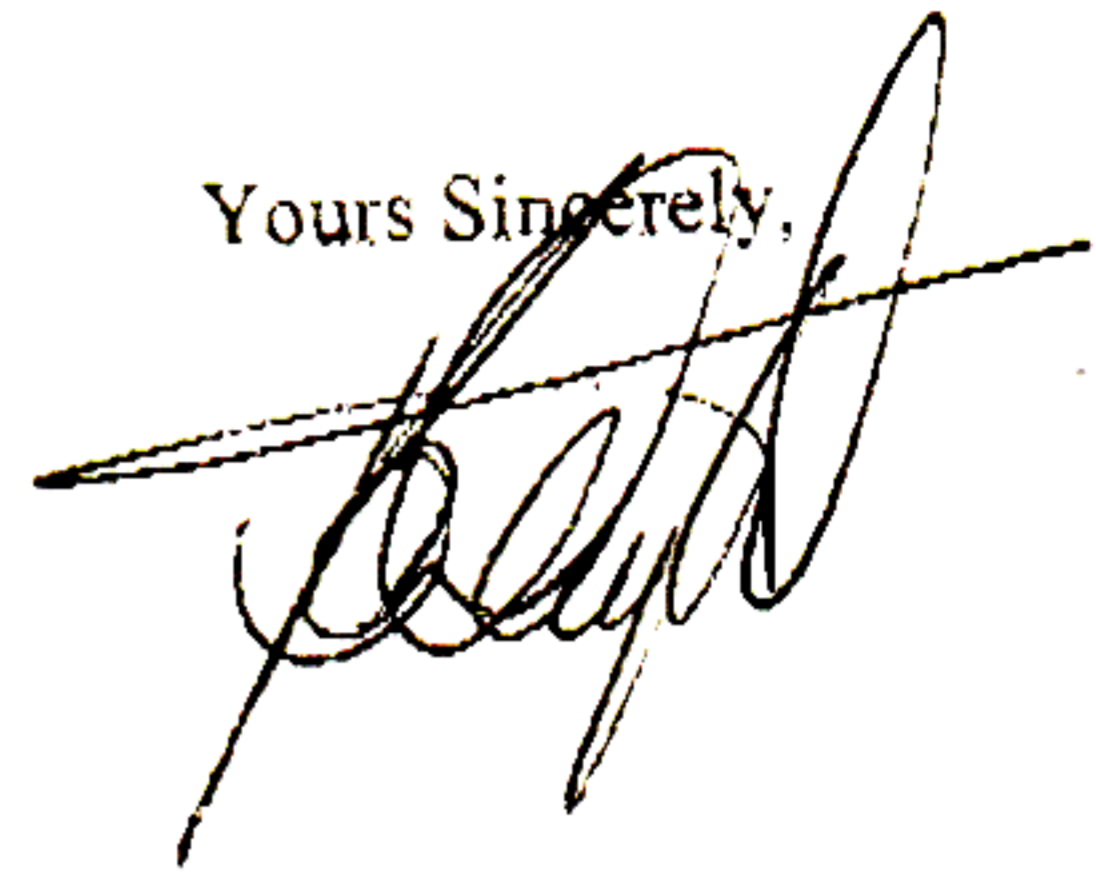
I understand that pursuant to this *mandamus* order, Justice of the Peace Brown has been directed to issue process against Julian Fantino on one count of influencing or attempting to influence municipal officials contrary to s. 123(2) of the *Criminal Code*. I also understand that the matter has since been transferred back to the Justice of the Peace from the Superior Court of Justice.

The offence of attempting to influence municipal officials is an indictable offence. Accordingly, s. 11(b) of the *Crown Attorneys Act* obliges the Crown to intervene and assume carriage of this prosecution once process is issued. Pursuant to this provision, once process is issued by the Justice of the Peace, the Crown will, in accordance with its statutory obligations under the *Crown Attorneys Act*, immediately intervene and assume carriage of this prosecution.

With respect to who is assigned to this matter, as the accused is a police officer, the case will be assigned to a Crown within the Justice Prosecutions Unit of the Crown Law Office - Criminal. This is in accordance with the normal Ministry practice. The Justice Prosecutions Unit was formed for the purpose of prosecuting criminal cases where the accused is someone involved in the administration of justice, such as a police officer. This Unit is comprised of senior Crown Counsel who are highly skilled and capable in criminal prosecutions.

Finally, I can assure you that the Crown assigned to this matter will fairly and appropriately apply all of the applicable legal standards to this case as are applied to every other criminal case in Ontario, regardless of who is charged, or who commenced the charge.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'K. Campbell', written over a horizontal line.

Kenneth L. Campbell
Director