

# Manitoba



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## Justice

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August 8, 2008  
Taman Commission of Inquiry  
Room 30-200 Vaughan Street  
Winnipeg MB R3C 1T5  
**BY E-MAIL**

**Attention: Mr. David Paciocco, Commission Counsel**

Dear Mr. Paciocco,

**Re: Taman Inquiry – Counsel – Government of Manitoba**

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I understand that during the course of your examination of Mr. Martin Minuk on July 30, 2008 an issue arose respecting the procedure to be followed respecting the staying of charges as outlined in the "Laying and Staying of Charges" Policy Directive (Exhibit 216, Vol. G-46, p.1393).

I have been advised by our counsel that during the course of your examination of Mr. Minuk (Transcript July 30, 2008, pp. 6004-6006) an issue arose between you and Mr. Michael Green, Mr. Minuk's counsel, with respect to the following passage in the Policy:

Where the Crown Attorney decides not to undertake or to stop a prosecution by reason of a public interest factor, a notation of this decision **must** be placed in the file relating to the case in question. Where reasons of the public interest and the administration of justice do not demand otherwise, and the stay or withdrawal occurs in a court of record, the reasons therefor shall be stated by the Crown Attorney.

The issue that arose was whether this part of the Policy, and in particular, the requirement that reasons for the stay or withdrawal shall be stated by the crown attorney on the court record, was meant to apply only when a charges were being stayed or withdrawn due to a public interest factor or whether it applied in any case where charges are stayed or withdrawn.

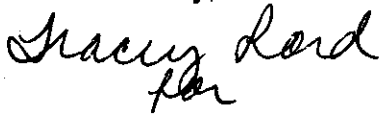
I am advised that you took the following position with respect to this paragraph (Transcript, p. 6006):

Mr. Commissioner, it's certainly not my interpretation of this paragraph that a public interest factor is the only case where you're supposed to make a public announcement of the reason for this stay, and that will be a matter for argument, but...

I can indicate that the intent of the directive in this paragraph of the Policy that the crown attorney "shall state on the court record the reasons for the stay" is a requirement only when charges are stayed or withdrawn pursuant to the public interest factor. I can also indicate that from a practice point of view, it is not normal practice to formally disclose on the court record why charges have been stayed, unless a decision has been made to stay or withdraw the charges pursuant to the public interest factor.

If you have any questions, please let me know.

Yours truly,

A handwritten signature in cursive script that reads "Nancy Kard". Below the name, there is a small, illegible mark that appears to be a flourish or a signature of another person.

**Don Slough**  
**Assistant Deputy Attorney General**

c. W. Glenn McFetridge  
Stan Nozick