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Sept. 24/07

Law Society
219 Kennedy St.
Winnipeg, M.B.

Dear Sir:

We wish to file a complaint of CONFLICT OF INTEREST against a Winnipeg Lawyer, his name is Martin Minuk.

The background on this complaint is as follows.

On Feb.25/05 our daughter Crystal Taman was rear-ended and killed by a drunk off duty Police officer at seven in the morning on her way to work and he was on his way home after partying all night.

Mr. Minuk was hired by the Justice dept. to prosecute Harvey -Zenk (the Police officer) apparently to avoid any conflict of interest or appearance of collusion on the part of the crown.

The ironic thing, is during the 2 ½ years that the case took to get to the Preliminary Date, Mr. Minuk was working as Co-counsel with Mr. Wolson on a triple manslaughter trial here in Winnipeg. Mr. Wolson is Harvey-Zenk's Lawyer. This is without a doubt a CONFLICT OF INTEREST.

During this time Minuk and Wolson were to be in opposition on this case. My wife and I met with Mr. Minuk about 2 years ago and right from the start he was telling us that although this man is charged with Dangerous Driving Causing Death, Criminal Negligence Causing Death, Driving Under the Influence Causing Death and Refusing a Breathalyzer, it was his opinion that he would probably just get a Conditional Sentence because that is the law.

We objected that it wasn't the law. It may be an alternative but some of these charges carry as much as 14 years and another life in prison. His comment was, "but it could be very hard to prove these charges."

About a week prior to July 16/07 we called, and were told by Mr. Minuk that the preliminary hearing would still be July 16/07. On that day Mr. Minuk told the Judge that Zenk had decided to plead guilty to Dangerous Driving Causing Death and the other Charges were dropped, and that he was in agreement with this. He commented that because the Crown had 33 Witnesses for the trial scaled down to 12 for the preliminary, this is why Zenk and his Lawyer Wolson decided on this guilty plea. He then requested that they appear before Chief Justice Wyant on July 17/07 to enter a plea. It was granted. Mr. Minuk insisted to us that dangerous driving was by far the most serious of those charges.

On July 17/07 it was very brief Zenk Pleaded Guilty to Dangerous Driving Causing Death and the Judge set the date to Aug. 22/07 for sentencing. Mr. Wolson then told Chief Judge Wyant, "it is all in your hands now."

After Court we spoke with Mr. Minuk and asked him, Are you going to Plea bargain a sentence?" His response was, "Oh, no, that is the Judge's job now. He will decide on the sentence."

Well, to our shock and dismay on Aug 22/07 Mr. Minuk stands up in court and informs the Judge that he joins Mr. Wolson in recommending a Conditional Sentence for Zenk, as follows: 2 Years less a day to be served a home, 180 days of Community Service and they wanted the Judge to over-rule the Auto-pac suspension of 5 years and let him keep his licence so he could drive to work and pick up his child from the baby sitter.

Chief Justice Wyant has seen a problem here as the only presidents brought forward by Mr. Minuk were for Conditional Sentences and why all the other charges were dropped. He was refusing to give the Judge anymore information to help him make a decision whether to accept his recommendation or not. Judge Wyant was distressed over this and delayed the sentencing for 2 weeks which was then later extended to Sept.12/07.

Once again on Sept.12/07 Chief Judge Wyant refused to make a decision on sentencing as he was stymied by Mr. Minuk and Mr. Wolson telling him he cannot even think about alcohol involvement or even the fact that Zenk was a Police Officer and should maybe be held to a higher standard. Judge Wyant enquired as to what Zenk was doing between 11 PM Feb. 24/07 to 7 AM Feb. 25/07. Mr. Minuk and Mr. Wolson REFUSED to give him this information, informing him he already had all the information needed to make his decision. Judge Wyant was told Zenk had a concussion from the accident and couldn't remember what happened, but after Judge Wyant's asking for a medical report on this it was revealed none existed.

At one point Mr. Wolson even commented to Judge Wyant, Mr. Minuk and I have 65 years experience in this field and we know what we are talking about.

Chief Justice Wyant has once again delayed the sentencing, now to Oct. 29/07.

If this arrangement is accepted there could be no appeal on the part of the crown because Mr. Minuk recommended it for the crown. It is clear travesty what is taking place here. These are not just the ravings of parents that have lost their precious daughter and we are enclosing several articles showing what the media have observed as well.

We implore you to stop this travesty and have a proper Crown Prosecutor assigned to the case. Even Judges are required to remove themselves from a situation where there could be an appearance of conflict, are they not?

The Justice System is to enforce Justice and at the same time appear to have dispensed justice. This has not happened and only has the appearance of a Conflict of Interest on Mr. Minuk's part.

Yours truly,

Sveinn Sveinson & Victoria Sveinson

