



March 23, 2017

Canadian Judicial Council
Ottawa, Ontario
K1A 0W8
Email: info@cjc-ccm.gc.ca

**RE: COMPLAINT REGARDING THE CONDUCT OF THE HON. PETER LEASK
OF THE SUPREME COURT OF BRITISH COLUMBIA**

Dear Sir or Madam:

This is a complaint against the Honourable Peter Leask of the Supreme Court of British Columbia based on media reports of a recent sexual assault trial that he presided over in Kamloops, B.C. on Monday, March 20, 2017.

The alleged conduct of Justice Leask undermines public confidence in the administration of justice at a time when there is already significant concern about the treatment of sexual assault offences by the criminal justice system. His alleged conduct infringes core principles of judicial ethics, including judicial independence, integrity, diligence, equality and impartiality. Accordingly, it is necessary that the Canadian Judicial Council initiate an inquiry into this matter.

I. FACTUAL ALLEGATIONS

Justice Leask was appointed to the Supreme Court of British Columbia, effective November 22, 2005, and regularly sits in Vancouver, B.C.¹

Tim Petruk, a reporter with *Kamloops This Week*, wrote an article on March 22, 2017 entitled “Complainant in sexual-assault case ‘disgusted’ by judge’s comments” (attached as Annex A).² The article describes how Justice Leask was presiding over a sexual assault trial in Kamloops, B.C. which commenced on Monday, March 20, 2017. At the outset of the trial, Mr. Petruk states that Justice Leask asked for the trial which had been scheduled for two weeks to be completed in five days. Justice Leask referred to an “extremely shorthanded” judiciary and allegedly made the following remarks:

¹ The Courts of British Columbia, “Members of the Supreme Court of British Columbia”, online: <http://www.courts.gov.bc.ca/supreme-court/about-the-supreme-court/Judges-and-Masters-of-the-Supreme-Court.aspx> (accessed March 22, 2017).

² Tim Petruk, “Complainant in sexual-assault case ‘disgusted’ by judge’s comments”, *Kamloops This Week*, March 22, 2017, online: <https://www.kamloopsthisweek.com/complainant-sexual-assault-case-disgusted-judges-comments/> (accessed March 22, 2017).

“Full disclosure: I live in Vancouver,” he said. “Kamloops is a wonderful place, but I like sleeping in my own bed.”

In an article by Mr. Petruk published in *The Province* website on March 21, 2017 (attached as Annex B),³ Justice Leask allegedly suggested the Crown prosecutor not call two of her witnesses and told her to limit questioning of the complainant. After just half a day of testimony from the complainant, the Crown prosecutor stayed the charges against the accused on March 21, 2017 because the charging standard could no longer be met.⁴

When informed of Justice Leask’s alleged comments at the outset of the trial, the complaint reportedly stated in the media that “the process has left her with little faith in the justice system”⁵ and:

*“I feel disgusted. Just absolutely disgusted. I was floored. I was in tears. I just couldn’t believe it. His sleeping options took priority over my sexual abuse.”*⁶

Charlene Eden, agency co-ordinator of the Kamloops Sexual Assault Counselling Centre stated in the media that she has “taken issue” with Justice Leask’s alleged comments and found the situation “troubling”:

*“I’m not surprised, unfortunately, which actually saddens me, but I’m horrified. [...] It’s another indication of the bias of the system. Sexual assault crimes and crimes against women are the least charged in our country.”*⁷

After reading these newspaper articles and being deeply concerned about what they recounted, I contacted Mr. Petruk to confirm directly with him the remarks that he attributed to Justice Leask and decided to file this complaint.

II. CONTEXT CONCERNING SEXUAL ASSAULT CASES

The remarks attributed to Justice Leask and their consequences must be considered in the current legal and social context with respect to sexual assault. The underreporting of sexual assault and its ineffective and, at times, insensitive or improper handling by the criminal justice system is a major issue in Canada today.

³ Tim Petruk, “Charges stayed against stepfather accused in Kamloops sex-abuse trial”, *The Province*, March 21, 2017, online: <http://www.theprovince.com/news/crime/charges+stayed+against+stepfather+accused+kamloops+abuse+trial/13168444/story.html> (accessed March 22, 2017).

⁴ *Ibid.*

⁵ Tim Petruk, “Complainant in sexual-assault case ‘disgusted’ by judge’s comments”, *Kamloops This Week*, March 22, 2017, online: <https://www.kamloopsthisweek.com/complainant-sexual-assault-case-disgusted-judges-comments/> (accessed March 22, 2017).

⁶ *Ibid.*

⁷ *Ibid.*

Statistics Canada's recent victimization survey reveals that a staggering 95% of sexual assault incidents go unreported to police.⁸ Research finds that victims of crime have many reasons for not reporting crime to the police, including: believing that it was not important enough (even for violent offences), considering it to be a personal matter, concern that the offender could get in trouble, fear of retribution, not wanting to bring shame or dishonour on their family, believing that the police could not do anything about it or would not help, past negative interactions with the police, they could not identify the perpetrator or lacked evidence, *no confidence in the criminal justice system*, believing that the offender would not be punished adequately, or a fear of publicity or news coverage.⁹

Some notable recent examples of the widespread public interest and concern with the handling of sexual assault cases from the last sixty days alone includes the following:

- In the media, a major investigation by the *Globe and Mail* called “Unfounded” has challenged the failure of police to lay charges in the majority of sexual assault complaints¹⁰ and led to numerous police departments launching reviews of recent cases that did not lead to criminal charges to determine if that decision was appropriate or not.
- The Canadian Judicial Council's recent report recommending the removal of the Honourable Robin Camp from office for his conduct during a sexual assault trial, leading to his resignation. The Council noted that one consequence of his misconduct in a sexual assault trial was that it:

“...adds to the public perception that the justice system is fuelled by systemic bias and it therefore courts the risk that in other sexual assault cases, unpopular decisions will be unfairly viewed as animated by that bias, rather than by the application of legal principles and sound reasoning and analysis.”¹¹

- In Parliament, Bill C-337 (*Judicial Accountability through Sexual Assault Law Training Act*) was introduced by the Leader of Her Majesty's Loyal Official Opposition, Rona Ambrose (MP Sturgeon River—Parkland) on February 23, 2017 and has already passed second reading and been referred to Committee. This legislation would amend the *Judges Act* to “restrict eligibility for judicial appointment to individuals who have completed comprehensive sexual assault education”, require “the Canadian Judicial Council to report on continuing education seminars in matters related to sexual assault law” and

⁸ Samuel Perreault, “Criminal victimization in Canada, 2014” (2015) 35:1 *Juristat*, p. 25 <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14241-eng.pdf> (accessed March 22, 2017).

⁹ *Ibid.*, p. 26; Samuel Perreault & Shannon Brennan, “Criminal victimization in Canada, 2009” (2010) 30:2 *Juristat*, p. 16 <http://www.statcan.gc.ca/pub/85-002-x/2010002/article/11340-eng.pdf> (accessed March 22, 2017).

¹⁰ See Robyn Doolittle, “Unfounded: Why Police Dismiss 1 in 5 Sexual Assault Claims as Baseless”, *The Globe and Mail*, February 3, 2017, online: <http://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/> (accessed March 22, 2017).

¹¹ Canadian Judicial Council Inquiry into the Conduct of the Honourable Robin Camp, *Report to the Minister*, 8 March 2017, para. 24.

amend the *Criminal Code* to “require a court to provide written reasons in sexual assault decisions”.¹²

- The Supreme Court of Canada allowed an appeal from the bench in *R. v. S.B.*,¹³ overturning an acquittal in a sexual assault case where the trial judge had erred “(i) in permitting the degree of cross-examination of the complainant with respect to the emails and the sex video; and (ii) in refusing the Crown the right to recall the complainant and to examine other witnesses with a view to rebutting a suggestion of recent fabrication.”¹⁴

Justice Leask’s alleged conduct must be understood and interpreted in this social and legal context, which is one of serious concern about the underreporting and improper treatment of sexual assault by the criminal justice system, in order to appreciate its impact on public confidence in the administration of justice.

III. APPLICABLE PRINCIPLES

The Canadian Judicial Council’s *Ethical Principles for Judges*¹⁵ “provide ethical guidance for federally appointed judges”.¹⁶ While they do not set out standards for judicial misconduct, they “describe the very high standards toward which all judges strive” and, thus, provide a valuable reference in assessing whether judicial conduct has undermined public confidence in the administration of justice.

In addition, prior decisions of the Canadian Judicial Council are a valuable source in this regard. The Canadian Judicial Council has stated that superior court judges are “expected to demonstrate a number of personal attributes including knowledge of social issues, an awareness of changes in social values, humility, fairness, empathy, tolerance, consideration and respect for others.”¹⁷

A. Judicial Independence

The Canadian Judicial Council’s *Ethical Principles for Judges* in discussing Judicial Independence states in commentary #5:

“The rule of law and the independence of the judiciary depend primarily upon public confidence. Lapses and questionable conduct by judges tend to erode that confidence.”

B. Integrity

The Canadian Judicial Council’s *Ethical Principles for Judges* in discussing Integrity states:

¹² Bill C-337 (*An Act to amend the Judges Act and the Criminal Code (sexual assault)*), 42nd Parl., 1st Sess. (First Reading – February 23, 2017).

¹³ *R. v. S.B.*, 2017 SCC 16 (adopting the dissenting reasons of Green C.J.N.L.).

¹⁴ *R. v. S.B.*, 2016 NLCA 20, para. 90 per Green C.J.N.L. (dissenting).

¹⁵ Canadian Judicial Council, *Ethical Principles for Judges*, online: https://www.cjc-ccm.gc.ca/cmslib/general/news_pub_judicialconduct_Principles_en.pdf (accessed March 22, 2017).

¹⁶ *Ibid.*, p. 3.

¹⁷ Canadian Judicial Council Inquiry into the Conduct of the Honourable Robin Camp, *Report to the Minister*, 8 March 2017, para. 1.

“Judges should strive to conduct themselves with integrity so as to sustain and enhance public confidence in the judiciary.”

It adds in its statement of principles with respect to Integrity the following:

“Judges should make every effort to ensure that their conduct is above reproach in the view of reasonable, fair minded and informed persons.”

In commentary #1 under the principle of Integrity, *Ethical Principles for Judges* states:

“Judges should, therefore, strive to conduct themselves in a way that will sustain and contribute to public respect and confidence in their integrity, impartiality and good judgment.”

In commentary #3 under the principle of Integrity, *Ethical Principles for Judges* states:

“As one commentator put it, the key issue about a judge’s conduct must be how it ‘...reflects upon the central components of the judge’s ability to do the job.’ This requires consideration of first, how particular conduct would be perceived by reasonable, fair minded and informed members of the community and second, whether that perception is likely to lessen respect for the judge or the judiciary as a whole. If conduct is likely to diminish respect in the minds of such persons, the conduct should be avoided.”

C. Diligence

The Canadian Judicial Council’s *Ethical Principles for Judges* describes Diligence as follows:

“Judges should be diligent in the performance of their judicial duties.”

It elaborates by describing applicable principles, including the following:

“Judges should not engage in conduct incompatible with the diligent discharge of judicial duties or condone such conduct in colleagues.”

In commentary #1 to the principle of Diligence, *Ethical Principles for Judges* states:

“Socrates counselled judges to hear courteously, answer wisely, consider soberly and to decide impartially. These judicial virtues are all aspects of judicial diligence.”

Commentary #2 adds the following:

“Section 55 of the Judges Act (which applies to federally appointed judges) provides that judges must devote themselves to judicial duties. Subject to the limitations imposed by the Judges Act and the judicial role, judges are free to participate in other activities that do

not detract from the performance of judicial duties. In short, the work of the judge's court comes first."

D. Equality

The Canadian Judicial Council's *Ethical Principles for Judges* describes Equality as follows:

"Judges should conduct themselves and proceedings before them so as to assure equality according to law."

E. Impartiality

The Canadian Judicial Council's *Ethical Principles for Judges* describes Impartiality as follows:

"Judges must be and should appear to be impartial with respect to their decisions and decision making."

General commentary #A.5 related to impartiality states:

"A reasonable perception that a judge lacks impartiality is damaging to the judge, the judiciary as a whole and the good administration of justice. Judges should, therefore, avoid deliberate use of words or conduct, in and out of court, that could reasonably give rise to a perception of an absence of impartiality. Everything from his or her associations or business interests to remarks which the judge may consider to be 'harmless banter,' may diminish the judge's perceived impartiality."

Commentary #E.1 concerns what constitutes a conflict of interest:

"The potential for conflict of interest arises when the personal interest of the judge (or of those close to him or her) conflicts with the judge's duty to adjudicate impartially. Judicial impartiality is concerned both with impartiality in fact and impartiality in the perception of a reasonable, fair minded and informed person. In judicial matters, the test for conflict of interest must include both actual conflicts between the judge's self interest and the duty of impartial adjudication and circumstances in which a reasonable fair minded and informed person would reasonably apprehend a conflict."

IV. BASIS FOR THE COMPLAINT

The alleged conduct of Justice Leask undermines public confidence in the administration of justice. It infringes core principles of judicial ethics, including judicial independence, integrity, diligence, equality and impartiality. Considering the social and legal context, discussed above, the totality of his alleged misconduct and its consequences, the Canadian Judicial Council must initiate an inquiry into this matter.

The statement attributed to Justice Leask ("*Full disclosure: I live in Vancouver. Kamloops is a wonderful place, but I like sleeping in my own bed.*") is at best a bad joke and at worst an

indication that he was not taking his job as a judge seriously. It creates a perception that his desire to sleep in his own bed was more important than presiding over a sexual assault trial. In either event, the effect, which is what matters greatly, is to undermine public confidence in the administration of justice. It is this that the Canadian Judicial Council must address.

A. Eroding judicial independence, integrity, diligence, equality and impartiality

The first problem with the “sleeping in my own bed” statement is that it is at a minimum an obvious questionable form of conduct that erodes confidence in the judiciary because it places the petty personal interests of where a judge sleeps at night above those of the interests of justice that he is sworn to serve in presiding over a sexual assault trial that has significant meaning for both the accused as well as the complainant. This undermines **judicial independence** because of the lack of public confidence in this judge. This is compounded and amplified when one considers the other principles of judicial ethics that are also infringed in this matter.

The second problem with the “sleeping in my own bed” statement is that the **integrity** of Justice Leask is undermined through this attributed statement because it lacks professionalism and good judgment. A reasonable and fair minded informed member of the community would perceive this statement as insensitive, offensive and totally inconsistent with a judge’s duty to hear the relevant evidence in a case rather than privileging his own sleeping arrangements. This perception is likely to lessen respect for the judge and judiciary as a whole particularly given that this is a sexual assault trial and there is major social and legal concern that these offences are not being treated appropriately already by the courts in high-profile instances. There is also the undermining of the integrity of the justice system with respect to having a judge who is from Vancouver invoking his primary residence in that city as a reason for not wanting to stay for the scheduled duration of this trial in Kamloops. It sends the message to people living outside of major urban centres where most judges reside that they are less important and less deserving of a judge’s time than those living in major cities. This is a particularly odious and offensive message to send to Canadians that tarnishes the judiciary as a whole and warrants correction.

The third problem with the “sleeping in my own bed” statement is that it shows a lack of **diligence** on the part of Justice Leask. Presiding over trials outside of one’s city of residence is a part of a superior court judge’s job. Judges are to be diligence in performing their duties and devote themselves to it. As the Canadian Judicial Council’s *Ethical Principles for Judges* states in commentary #2 with respect to diligence: “the work of the judge’s court comes first.” In this case, the statement attributed to Justice Leask puts his own personal interests first, rather than the interests of the court.

The fourth problem with the “sleeping in my own bed” statement is that it undermines the **equality** of people who live outside of major urban centres to access justice. As discussed above with respect to integrity, the message sent by the statement attributed to Justice Leask is that people living outside of major urban centres where most judges reside is that they are less important and less deserving of a judge’s time than those living in large cities. It also risks sending a harmful message that the equality interest of the complainant, who is seeking the protection of the law as a woman from an alleged sexual assault – an offence that is

overwhelmingly committed against women by men – is not important to a judiciary still comprised of more men (as in this case) than women.

The fifth problem with the “sleeping in my own bed” statement is that it raises a reasonable perception of a conflict of interest between the judge’s personal preferences around where he sleeps at night and his professional duties to preside over a scheduled trial. This risks undermining the **impartiality** of the judiciary because it raises the perception that the judge’s decision to limit the trial was motivated, at least in part, by his own personal interest in returning promptly to his home in the Vancouver area.

These infringements of core judicial ethics are made all the more serious given the totality of Justice Leask’s alleged conduct, which included the limiting of the trial to five days, encouraging the Crown prosecutor not to call two witnesses and suggesting she limit examination of the complainant. Because the “sleeping in my own bed” statement was made in this context, it taints each of these decisions – any one or all of which could be legitimate. Judges have not only the discretion, but also the duty, to ensure criminal trials proceed without unreasonable delay. However, when the reason given for streamlining a trial is couching in terms of a judge wanting to end proceedings much sooner than planned in order to sleep in his own bed, a reasonable person would rightly question what is really motivating these measures.

B. Consequences of the alleged conduct

In assessing the conduct of judges, the Canadian Judicial Council considers its consequences as well. The complainant in the case has publicly stated that “the process has left her with little faith in the justice system”¹⁸ and:

*“I feel disgusted. Just absolutely disgusted. I was floored. I was in tears. I just couldn’t believe it. His sleeping options took priority over my sexual abuse.”*¹⁹

Charlene Eden, agency co-ordinator of the Kamloops Sexual Assault Counselling Centre stated in the media that she has “taken issue” with Justice Leask’s comments and found the situation “troubling”:

*“I’m not surprised, unfortunately, which actually saddens me, but I’m horrified. [...] It’s another indication of the bias of the system. Sexual assault crimes and crimes against women are the least charged in our country.”*²⁰

The conduct of Justice Leask generated negative media stories immediately after it occurred – first in a local paper, then picked up by a provincial paper. National coverage should be expected as well. Justice Leask has been referred to on Twitter by Mr. Petruk as “the homesick B.C.

¹⁸ Tim Petruk, “Complainant in sexual-assault case ‘disgusted’ by judge’s comments”, *Kamloops This Week*, March 22, 2017, online: <https://www.kamloopsthisweek.com/complainant-sexual-assault-case-disgusted-judges-comments/> (accessed March 22, 2017).

¹⁹ *Ibid.*

²⁰ *Ibid.*

Supreme Court judge who urged lawyers to speed up a rape trial” (Annex C). I would be surprised if this matter did not generate multiple complaints to the Canadian Judicial Council.

Indeed, it is my view as a criminal law professor in viewing the coverage of Justice Leask’s alleged conduct that it undermines confidence in the administration of justice to such a degree that I felt compelled to file this complaint. I am left with concerns about his stature as a justice of the superior court of my province.

V. PRIOR MISCONDUCT FINDING BY CANADIAN JUDICIAL COUNCIL

It is relevant that Justice Leask has already been previously reviewed by the Canadian Judicial Council and found to have brought discredit on the judiciary.

On September 20, 2007, the Canadian Judicial Council announced the results of a review of complaints made against Justice Leask as a result of his profane language in March 2007 during the trial of *Regina v. Glen Hehn*.

The Honourable Richard J. Scott, Chief Justice of Manitoba and Chairperson of the Judicial Conduct Committee of Council found that Justice Leask’s use of language “was indeed improper and tarnished the reputation of the Court and the judiciary . . . his language was offensive, that it brought discredit on the judiciary and showed disrespect toward the Court.” Justice Leask was reminded at the time “that judges have an obligation to foster, at all times, respect for the public and the institution of the Court”.²¹ Justice Leask made a commitment that such actions would not be repeated in the future.

This previous matter is similar in nature to the present complaint, if substantiated, since both arose out of intemperate remarks from the bench that attracted negative attention and generated complaints to the Canadian Judicial Council. Justice Leask has already been censured for this previous conduct by the Canadian Judicial Council and made a commitment not to use offensive language that brings discredit on the judiciary. This is all the more reason why an inquiry by the Canadian Judicial Council is warranted and further remedial and disciplinary action is required to restore public confidence in the judiciary in relation to the present complaint.

VI. CONCLUSION

The Canadian Judicial Council has stated that: “A single, highly prejudicial or offensive, comment might be sufficiently grave to seriously undermine public confidence in a judge and the judiciary.”²²

In the context of this sexual assault trial, the alleged conduct of Justice Leask has undermined public confidence in the judiciary. It sends the message that sexual assault charges will not be

²¹ Canadian Judicial Council, “Canadian Judicial Council completes its review of complaints against Justice Peter Leask”, 20 September 2007, online: https://www.cjc-ccm.gc.ca/english/news_en.asp?selMenu=news_2007_0920_en.asp (accessed March 22, 2017).

²² Canadian Judicial Council Inquiry into the Conduct of the Honourable Robin Camp, *Report to the Minister*, 8 March 2017, para. 25.

treated seriously by the courts. That the trifling personal preferences of a judge as to where they sleep at night are more important than devoting their full attention to a serious and violent crime that is massively underreported and many consider already as being very poorly handled by the courts. It sends a devastatingly harmful message to victims of sexual assault that the justice system will not be there for them if they come forward. Justice Leask's alleged conduct must not go unaddressed.

I look forward to hearing from the Canadian Judicial Council regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Perrin", with a long horizontal line extending to the right.

Benjamin Perrin
Associate Professor

Peter A. Allard School of Law
University of British Columbia
1822 East Mall
Vancouver, BC V6T 1Z1
Email: perrin@law.ubc.ca
Phone: (604) 822-1208

ANNEX A

Source: Tim Petruk, “Complainant in sexual-assault case ‘disgusted’ by judge’s comments”, *Kamloops This Week*, March 22, 2017, online: <https://www.kamloopsthisweek.com/complainant-sexual-assault-case-disgusted-judges-comments/> (accessed March 22, 2017).

Kamloops This Week

Complainant in sexual-assault case ‘disgusted’ by judge’s comments

By Tim Petruk - March 22, 2017

The complainant in a sexual assault trial that ended abruptly this week said she feels “disgusted” after learning about bizarre comments the judge made before the hearing began.

In a Kamloops courtroom on Monday, at the trial’s outset, visiting B.C. Supreme Court Justice Peter Leask asked the prosecutor and defence lawyer to speed things up. Citing an “extremely shorthanded” judiciary, Leask urged them to conduct the trial, scheduled for two weeks, in five days, so he could get back to work in Vancouver.

“Full disclosure: I live in Vancouver,” he said. “Kamloops is a wonderful place, but I like sleeping in my own bed.”

The trial was based on historical allegations of ongoing sexual assaults. The complainant went to police in 2014, alleging six years of abuse at the hands of her stepfather in the mid-1970s, when she was between the ages of nine and 15.

The complainant, whom *KTW* is not naming publicly, said she only found out about the comments after reading about them online.

“I wasn’t even aware until I clicked on my Facebook and there’s a link,” she said. “I feel disgusted. Just absolutely disgusted. I was floored. I was in tears. I just couldn’t believe it. His sleeping options took priority over my sexual abuse.”

For reasons unrelated to Leask’s comments, Crown prosecutor Katie Bouchard directed a stay of proceedings in the case on Tuesday, bringing the trial to an end and allowing the complainant’s stepfather to leave the courthouse a free man.

Bouchard told *KTW* the charges were stayed because the charge-assessment standard could no longer be met.

“In B.C., we employ a rigorous charge-assessment process,” she said.

“We must be satisfied that there is a substantial likelihood of conviction and the prosecution must be in the public interest. This test applies at all stages of the prosecution.

Bouchard said she concluded the test was no longer met and directed the charges against the stepfather be stayed.

The complainant said the process has left her with little faith in the justice system.

“Hell no,” she said. “You read stuff about it all the time, then this happens and I’m like, ‘OK. I’m one of those girls’ — women who never got heard.”

The head of the Kamloops Sexual Assault Counselling Centre has also taken issue with Leask’s comments. Agency co-ordinator Charlene Eden said she found the situation troubling.

“I’m not surprised, unfortunately, which actually saddens me, but I’m horrified,” she said. “It’s another indication of the bias of the system. Sexual assault crimes and crimes against women are the least charged in our country.”

Both the complainant and Eden said they are considering filing complaints with the Canadian Judicial Council.

“It’s too soon for me to say for sure right now,” Eden said. “As an agency, we need to look at what all the options are before we make a decision on what to do next.”

A B.C. Supreme Court spokesman has not yet replied to *KTW* and government officials in Victoria referred all queries to the court.

ANNEX B

Source: Tim Petruk, "Charges stayed against stepfather accused in Kamloops sex-abuse trial", *The Province*, March 21, 2017, online: <http://www.theprovince.com/news/crime/charges+stayed+against+stepfather+accused+kamloops+abuse+trial/13168444/story.html> (accessed March 22, 2017).

The Province

Charges stayed against stepfather accused in Kamloops sex-abuse trial

Tim Petruk, Kamloops This Week
(Vancouver Sun)

Published: March 21, 2017

Updated: March 22, 2017 7:17 PM

Filed Under: The Province > News > Crime

Charges have been stayed against a man accused of sexually abusing his stepdaughter in Adams Lake in the mid-1970s.

The man's trial got off to a bizarre start in a Kamloops courtroom on Monday, with B.C. Supreme Court Justice Peter Leask asking the prosecutor to limit her questioning of the complainant.

Leask, who lives and usually sits in the Lower Mainland, also suggested Crown prosecutor Katie Bouchard not call two of her witnesses. At one point, he said he would rather sleep in his own bed than be in Kamloops.

Bouchard stayed the four charges against the stepfather on Tuesday morning, after a half-day of testimony from the complainant on Monday.

Bouchard told KTW the charges were stayed because the charge-assessment standard could no longer be met.

"In B.C., we employ a rigorous charge-assessment process," she said. "We must be satisfied that there is a substantial likelihood of conviction and the prosecution must be in the public interest. This test applies at all stages of the prosecution.

Bouchard said she concluded the test was no longer met and directed the charges against the stepfather be stayed.

Monday's bizarre remarks do not mark the first time Leask has spoken out in court. In 2007, he made a public apology after delivering an obscene observation during a criminal trial.

ANNEX C

Source: Twitter, online: <https://twitter.com/timpetruk/status/844558059804344321> (accessed March 22, 2017)



Tim Petruk
@timpetruk

 **Follow**



I'll be on [@CBCKamloops](#) in five minutes talking about the homesick B.C. Supreme Court judge who urged lawyers to speed up a rape trial

RETWEETS

2

LIKES

4



7:35 AM - 22 Mar 2017



2



4