



January 30, 2017

Mayor Avis and Council:

Please find attached to this letter a copy of the Provincial Offences charges from 2016 that were scheduled for trial. As part of the Memorandum of Understanding with the Province, the Municipal Prosecutor is required to keep record of all cases and be prepared to provide the Ministry of Attorney General with the above mentioned records upon request. I am providing Mayor and Council with this information exclusively as this information is confidential in nature.

For the 2016 Provincial Offences Act Statistics for the entire Rainy River District, there were 54 tickets that the public chose to take to trial. I do not have the statistics on how many tickets are issued in a year by law enforcement, only those that are passed onto the Prosecutor's office.

In some cases, the person who we refer to as that defendant, will set a trial date, reconsider and pay their fine as did TWO (2) defendants. After vetting the Provincial Offence tickets and briefs, seventeen (17) tickets were withdrawn for "no reasonable prospect of a conviction" which means that after reviewing the offence brief and the charge as written in the Highway Traffic Act, there was not enough evidence to prove the charge beyond a reasonable doubt. Zero (0) tickets this year had to be withdrawn due to the ticket having something added to it by the Constable after he/she provided the defendant their copy. Case law says that once the ticket has been served, nothing can be added or deleted, and if so, the ticket must be withdrawn.

There were fourteen (14) POA tickets that were resolved by the defendant entering a plea to a lesser charge. As a Prosecutor, we are encouraged to attempt to resolve a matter rather than take the matter to trial. If you calculate in the additional costs to proceed to a trial, not only are resolutions cost effective but also fair to the defendant. The same number of resolutions were done in 2015. Ten tickets went to trial in 2016, with seven defendants found guilty after a trial and three defendants found not guilty. The cost of trials went up 50% in 2015. I believe that POA Court time would be approximately \$1000.00 per hour.

The final three points are for those who set a trial date and then do not show for their trial. Five (5) defendants were convicted under Section 9(1) of the Provincial Offences Act and four (4) who chose to plead guilty at their trial instead of proceeding with a trial. Two charges were withdrawn as the Investigating officer did not complete the brief in a reasonable time, so that disclosure could be provided to the defendant. Regina vs Pawar requires in these situations, that the prosecutor withdraw the charge as the defendant did not have proper time to arrange his/her defense.

I hope this is helpful for Mayor and Council as it is to myself as the numbers of cases proceeding to trial in 2016 was fifteen (15) cases less than 2015.

If anyone wishes to discuss that above mentioned with myself, I will more than welcome speaking to Mayor and/or Council.

Respectfully,

Original Signed by G. Beck

Gary J. Beck
POA Prosecutor
Town of Fort Frances/District of Rainy River.