

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Friday, March 9, 2018

Attorney General Don Morgan
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The Honourable Scott Moe, Premier of Saskatchewan, and the Honourable Don Morgan,
Attorney General;

Re: Discrimination and inequality concerns arising from the investigation of the shooting death of Colten Boushie and the conduct of the prosecution and trial of the admitted perpetrator.

Having received no reply to our letter dated 11 February 2018 (see attached), we write again to urge your office to file an appeal of the verdict and take all other steps necessary to fully address concerns that indigenous people receive unequal and discriminatory legal protection in Saskatchewan as demonstrated by the investigation, prosecution and trial of the Colten Boushie killing.

Restoration of public confidence in the Saskatchewan criminal law system is of the utmost importance. Ensuring an appeal of the verdict and a public inquiry to examine the RCMP response and investigation and the conduct of the trial, including the use of peremptory challenges, are necessary steps to achieve this crucial end.

With respect to filing an appeal of the verdict, LRWC joins Professor David Tanovich, in respectfully disagreeing with the Attorney General's assessment that "everything was done appropriately." We also share his assessment that a decision not to appeal deprives the family, the community and Canada from the opportunity for a "second objective look at the process."

LRWC is troubled by many apparent errors which together kept the public and the victim's family from knowing, and the jury from assessing, what happening on the day of the killing. Legal issues of concern mentioned by Professor Tanovich include: failure to vet the jury for indigenous bias; admission of civilian evidence of 'hangfire;' failure to caution the jury about the relevance, reliability and sufficiency of all hangfire evidence.

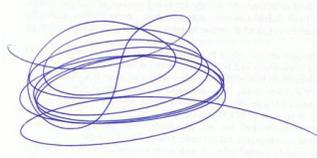
The instruction to the jury that, "There is no dispute that Mr. Stanley was lawfully justified in the circumstances of this case to retrieve his handgun and fire it into the air as warning shots..." is another critical legal issue. There was apparently no evidence, no law and no instruction by

which the jury could have assessed the facts regarding the use of the handgun by the accused that resulted in the death of an entirely innocent person.

The public and the victim's family are entitled to have the Saskatchewan Court of Appeal—not the Attorney General of Saskatchewan—determine whether these and other troubling peculiarities constitute legal errors sufficient to warrant setting aside the verdict.

We urge your office ensure that an appeal is filed and that independent counsel are hired to conduct the appeal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Gail Davidson", written over a light green grid background.

Gail Davidson, Executive Director, LRWC

Copied to:

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