

Judge chastises Crown over handling of prosecution

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A judge has awarded \$8,409 in legal costs to Gateway Collections Inc. because she said it was "unfairly prejudiced" by the Crown in its defence of 11 charges under the Fair Trading Act.

Provincial court Judge Sandra Hamilton said in her written judgment that the Crown failed to comply with an Oct. 6 court order regarding disclosure of several documents that could have been favourable to Gateway.

She said, even though the charges were subsequently stayed in mid-trial by the Crown, the prejudicial evidence and resulting media attention that was presented to that point has potentially tarnished Gateway's reputation.

"The public has a right to expect that charges will be prosecuted fully and fairly by the Crown, resulting in an ul-

timatate determination of guilt or innocence," wrote Hamilton.

"By that means, society can take measures to protect itself from the guilty, and ensure that those who are innocent are not unfairly convicted. In this case, we have the public having been informed of highly prejudicial evidence against the (accused) without the totality of the evidence being brought forward, leaving a most unpalatable result for both the public and the accused."

The judge said the Crown's conduct "left an overall air of neglect pervading this prosecution."

Gateway was accused of using threatening tactics, including affecting credit ratings, while trying to collect overdue parking ticket fines levied by Imperial Parking.