

# Eight-year-old cocaine case tossed

JUDGE RULES ACCUSED'S CHARTER RIGHTS VIOLATED, STAYS PROCEEDINGS

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**Delon Shurtz**

LETHBRIDGE HERALD

dshurtz@lethbridgeherald.com

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A Brooks man will not have to stand trial a second time for drug trafficking after a judge ruled Thursday that the accused's charter rights were violated.

"The charges against the accused, [REDACTED], will be stayed," Justice Vaughn Hembroff ordered Thursday in Lethbridge Court of Queens Bench.

With the case indefinitely suspended, [REDACTED] is free of the charge which has plagued him

since he was arrested and charged in 2003 after 22 kilograms of cocaine were found in a trailer being pulled across the Del Bonita border crossing.

[REDACTED] went to trial in 2006, and his lawyer at the time asked for a stay of proceedings because the Crown withheld evidence from the defence. The Crown had indicated disclosure was complete, but at the last minute introduced a statement from an informant, a statement the defence argued the Crown had long possessed. Justice Jim Langston excluded the evidence and acquitted [REDACTED].

The Crown appealed the acquittal and the Supreme Court of Canada ordered a new trial.

That trial was to begin Monday in Lethbridge, but Calgary lawyers David Chow and Karen Molle argued constitutional issues regarding the continued refusal by the Crown to disclose the information they requested numerous times.

Hembroff agreed with their arguments and said Thursday the breeches by the Crown were significant enough to warrant the stay of proceedings.

Calgary Crown prosecutor Bob Sigurdson said outside the courtroom following Thursday's ruling, that he would "review the matter," but would respect Hembroff's decision.

"It's not likely to be appealed."