

## **Criminal Justice Section Report 2017-2018**

### **1) Section Officers**

Co-Chair (Defence): Tony Cellitti, Phillips, Aiello  
Co-Chair (Crown): Melissa Hazelton, Manitoba Justice – Prosecutions  
Members-at-Large  
James Wood, Kavanagh Wood Law Corporation  
Peter Kingsley, Legal Aid Manitoba – Administrative Office  
Amanda Sansregret, Legal Aid Manitoba – Phoenix CLC  
Jody Ostapiw, Smith, Corona, Van Dongen & Cook  
Bryton Moen, Manitoba Justice – Prosecutions  
Kathrine Basarab, Manitoba Justice – Prosecutions

A meeting of the executive was held on December 19, 2017.

It is anticipated that James Wood will step into the role of Defence Co-Chair for 2018-19, as Tony Cellitti is stepping down after 8 years as Defence Co-Chair.

### **2) Professional Development Seminars**

#### **a) Top Supreme Court and Court of Appeal Cases for 2017-18, May 4, 2018**

This in-person seminar has been a popular one in past years. Panelists Rekha Malaviya (Manitoba Justice – Prosecutions), and Amanda Sansregret (Legal Aid Manitoba – Phoenix CLC) returned to provide an overview of the leading cases out of our Court of Appeal and the Supreme Court over the last year.

#### **b) Welcome to the Practice of Criminal Law, June 6, 2018**

This in-person seminar has also been a well attended seminar in past years. It is designed for articling students who appear in the Manitoba Provincial Court on criminal matters. The discussion provides an introduction to the criminal courts and some practical tips for the students. A thumb drive of material is also provided that contains information and forms that are useful to articling students. After the seminar, a reception is held in the Provincial Judges Chambers, allowing students to mingle with some of the Provincial Court Judges, other lawyers and fellow students. The panel this year will include Judge Ryan Rolston (Manitoba Provincial Court), Manoj Moorthy (Manitoba Justice – Prosecutions) and Sarah Murdoch (Smith, Corona, Van Dongen & Cook). The panel will be moderated by Melissa Hazelton.

#### **c) Forensic Biology and DNA Evidence, June 7, 2018**

This in-person meeting is being jointly presented with the Constitutional/Human Rights section. Valerie Blackmore of Wyndham Forensic Group will be presenting

on a number of topics, including the strengths and limitations of body fluid and DNA evidence, the transfer and persistence of DNA, especially in the context of “touch” DNA, what counsel should understand about probabilistic genotyping, and taking DNA evidence from “who” to “what happened”.

3) Other Involvement by Co-Chairs and Executive Members

a) National Criminal Justice Section Meetings, November 26-27, 2017 and April 21-22, 2018

We were lucky to return to two national section meetings for the 2017-18 year. James Wood attended the section meetings in Ottawa on November 26-27, 2017 on behalf of the section. Tony Cellitti attended to the meetings on April 21-22, 2018 in Vancouver on behalf of the section.

b) Provincial Court Committees

The Provincial Court has a number of committees that bring the justice system stakeholders to the same table to address issues relating to the various aspects of the criminal justice system.

Tony Cellitti participated as a member of the Court Liaison Committee and Probation Liaison Committee.

c) Legal Aid Manitoba Advisory Committee

This committee was formed in 2015 and meets four times per year to address proposed policy changes and developments with Legal Aid Manitoba. Tony Cellitti is the Chair of this committee. The committee consists of the Executive Director and Deputy Executive Director of Legal Aid Manitoba, the Chair of the Legal Aid Manitoba Management Council, Stacy Nagle (MBA Executive Director) and other justice system stakeholders. Jody Ostapiw is also a member of this committee.

d) Legal Aid Manitoba Criminal Tariff Review Sub-Committee

This committee was formed in 2016 and consists of various criminal law practitioners. Tony Cellitti is the Chair of this sub-committee of the Advisory Committee. Meetings that were held in 2016 and 2017 focused on making recommendations to the Legal Aid Manitoba Management Council on changes to the criminal tariff. Those recommendations were submitted to the Advisory Committee and to the Management Council. Those recommendations were then subsequently provided to the Minister of Justice by the Management Council. Jody Ostapiw is also a member of this committee.

e) MBA Council

Tony Cellitti and Executive members Jody Ostapiw, James Wood and Peter Kingsley (in his role as Secretary/Treasurer) are members of the MBA Council.

f) *Headnotes & Footnotes*

Tony Cellitti, Melissa Hazelton and Jody Ostapiw wrote the “Criminal Law Decisions” articles in Headnotes and Footnotes on a number of occasions over the past year.

g) Gale Cup Moot, February 2018

Melissa Hazelton along with Michelle Bright coached a team of four law students from the University of Manitoba for the Gale Cup Moot, held in Toronto in February 2018. The Moot is an Appellate Moot where teams of students from law schools across the country compete. This year’s problem was an appeal of the SCC decision in *R .v. Paterson*. Oral practices were held twice weekly beginning in the second week of January until the date of the competition. Students were able to practice before a variety of parties, beginning with counsel of varying seniority from the criminal bar, and including judges from all three levels of Courts in Manitoba. Both Melissa and Michelle also attended to Toronto with the team to continue their coaching duties for the competition itself.

Submitted by,  
Tony Cellitti and Melissa Hazelton, Co-Chairs, MBA Criminal Justice Section