

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

- and -

GEORGE GRANDJAMBE

MEMORANDUM OF JUDGMENT

[1] The accused is about to stand trial on two charges of sexual offences dating from 1978 to 1980. The complainant, F.K., is a male person now 30 years old. The accused applied for production of certain records pursuant to the procedures set out in sections 278.1 to 278.8 of the *Criminal Code*. At an earlier hearing, I ordered the production of some of the records in question for my review. I did so on the basis of representations by Crown counsel that some of the records contain disclosure about the alleged offences and therefore are likely relevant to the only real issue in the trial, that being whether these offences actually occurred.

[2] I have examined the documents in question. Of the five documents, I have concluded that two of them should not be produced. These are a psychologist's report dated February 2, 1996, and a letter from a community health worker dated October 24, 1994. Neither can be said to be likely relevant to an issue at trial and both deal with personal matters outside of the interest of these proceedings. These two documents have been placed back into a sealed envelope and will be kept on file pending the expiry of these proceedings (including any appeal).

[3] There are three other documents which I have decided should be produced to the accused (in whole or in part). In my opinion these records are likely relevant to the issues at trial (including the complainant's credibility as to the specific allegations) and to his competence to testify. Two of these records contain references to the subject matter of the allegations while a third relates to the complainant's psychological state

at a time shortly before his initial complaint to the police. With respect to the first two documents, these could have probative value for both defence and Crown, to the one as a way of testing the complainant's present evidence and to the other as a way of rebutting, if it arises, an argument as to recent fabrication. The disclosure I direct will not, in my opinion, jeopardize the complainant's privacy interests, in particular since they are all records produced by "government" officials acting in the course of their duties.

[4] The records, or parts of records, to be produced are as follows:

- (a) Young Offender's Pre-Disposition Report dated March 16, 1995. From this document only page 2 and the section on page 5 entitled "Social, Emotional & Physical Data" are to be produced.
- (b) Psychiatric Assessment by Dr. V. Singh of the Alberta Hospital dated December 16, 1994. This document is to be produced but there is to be deleted from it the paragraph starting "In summary" at the bottom of page 2 until the end of that paragraph on page 3 (just before the section entitled "Past Criminal History").
- (c) *Mental Health Act* Statement (Form 5) dated February 24, 2000. This document is to be produced in its entirety.

[5] These three documents, unedited, have been placed in a sealed envelope placed on the Court file. I ask Crown counsel to attend at the Clerk's office and prepare the edited versions which Crown counsel can then release to defence counsel. The unedited documents are also to remain sealed on the file pending the expiry of these proceedings (including any appeal).

[6] If further directions are required, counsel may contact me.

Dated this 4th day of September 2001.

J.Z. Vertes,
J.S.C.

To: Debra Robinson,
Counsel for the Crown

Paul N.K.Smith,

Counsel for the Accused

S-1-CR 2001 000017

IN THE SUPREME COURT OF
THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

- and -

GEORGE GRANDJAMBE

MEMORANDUM OF JUDGMENT OF
THE HONOURABLE JUSTICE J.Z. VERTES
