

Tainted blood cases to go direct to trial

By Mark Kennedy
CanWest News Service

OTTAWA — In a rare move, the criminal proceedings against those charged in Canada's tainted-blood scandal have suddenly been put on a fast track.

Ontario Attorney General Michael Bryant, has granted a request from Crown attorneys to send the cases straight to a trial, bypassing the normal preliminary hearings that could have significantly delayed the cases.

For years, tainted-blood victims have been crying for justice. On Tuesday, one of their spokesmen praised the decision to go directly to trial, a legal manoeuvre known as a direct indictment.

"The Crown has shown a great deal of strength and determination to pursue this," said Mike McCarthy, a hepatitis C victim who is a member of the Canadian Hemophilia Society.

"If there was a delay, many people who are in the final stages of their disease would not be alive to see the outcome. This will obviously reassure us that justice is moving quicker than it did in the last 20 years."

Normally, an accused gets the chance to opt for a preliminary hearing, where the Crown has to present sufficient evidence to convince a judge the case should go to trial. At the preliminary hearing, defence lawyers can cross-examine witnesses.

On Tuesday, lawyers for the accused in the tainted-blood cases said the attorney general's decision denies their clients a basic right.

Ottawa lawyer Peter Doody, who is representing former Health Canada official John Furesz, said all the defence counsel asked the Crown why a direct indictment was necessary, but were not given an answer.

"The denial of the preliminary inquiry will remove one of the protections which an accused person has in the criminal justice system — that is, to have a review of the evidence intended to be presented by the Crown."

Lawyer Michael Edelson, representing the Canadian Red Cross Society, said his client should have had the right to decide whether to have a preliminary hearing or go straight to trial.

"We have a statutory right to a preliminary hearing," he said.

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