

IN THE MATTER OF THE *TERRITORIAL COURT ACT*,  
RSNWT 1988, c. T-2 AND IN THE MATTER OF A COMPLAINT  
REGARDING THE CONDUCT OF  
THE HONOURABLE JUDGE DONOVAN MOLLOY

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**CITATIONS**

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It is alleged that the Honourable Judge Donovan Molloy (Judge Molloy), while a judge of the Territorial Court of the Northwest Territories, engaged in conduct that constituted misconduct under the *Territorial Court Act*, RSNWT 1988 c. T-2. The particulars of such misconduct are set out herein.

- 1 It is alleged that on or about August 28, 2019, while presiding in the Territorial Court of the Northwest Territories, at Tuktoyaktuk, Judge Molloy on his own initiative and without providing reasons, adjourned sentencing of the Accused, Stacey Cockney-Raddy to Fort Smith, revoked the Accused's Undertaking to Appear, and issued her a Recognizance with conditions, all contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
  - a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - b. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
  
- 2 It is alleged that on or about October 19, 2019, while presiding in the Territorial Court of the Northwest Territories, at Tuktoyaktuk, Judge Molloy on his own initiative issued the Accused, Marilyn Gruben, who was at that time located in Lethbridge, Alberta to undergo a medical procedure, a Recognizance requiring her to appear in person in Tuktoyaktuk on December 4, 2019, with a condition that she was not to operate an motor vehicle, and revoked her Undertaking to Appear, all contrary to Justice Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
  - a. Carry out his duties with respect for the Accused, without discrimination or prejudice.

- b. Refrain from discriminatory behaviour.
  - c. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - d. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
  
- 3 On or about December 3, 2019, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife over the sentencing of Sheldon Charney, Judge Molloy improperly pressured Crown Counsel to ignore guidelines issued by the Director of Public Prosecutions. Judge Molloy's conduct on this occasion was contrary to his commitment to perform his role in such a manner to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
  - a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - b. Treat everyone with civility and respect in the performance of his judicial duties.
  - c. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
  - d. Avoid conduct which could reasonably cause others to question his impartiality.
  
- 4 On or about January 7, 2020, and January 15, 2020, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife, Judge Molloy in the matter of *R v Jerry Cockney*, accused Crown Counsel of improper conduct and threatened to report her to the Law Society, contrary to his commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
  - a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - b. Treat everyone with civility and respect in the performance of his judicial duties.
  - c. Avoid all forms of harassment and abuse of authority or status.
  - d. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.

- e. Avoid conduct which could reasonably cause others to question his impartiality.
- 5 On or about November 9, 2020, while presiding in the Territorial Court of the Northwest Territories, at Hay River, Judge Molloy refused Crown Counsel permission to appear in Court by telephone, contrary to the COVID-19 Practice Directives dated July 6, 2020, and then dismissed various matters on the Hay River docket for want of prosecution, all contrary to his commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
- a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - b. Treat everyone with civility and respect in the performance of his judicial duties.
  - c. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
- 6 On or about December 2, 2020, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife, Judge Molloy referred to the Accused, Alain Grimard, who was unrepresented, as "one of those morons", suggested that the Accused "get a lawyer and not an astrophysicist" and without the election of the Accused recorded the elections and entered pleas, despite Crown Counsel's assertion that disclosure had not been provided to the Accused, all contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
- a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - b. Treat everyone with civility and respect in the performance of his judicial duties.
  - c. Foster access to all and carry out his duties with appropriate consideration for the Accused, and ensure that the Accused is treated fairly and respectfully.
  - d. Carry out his duties with respect for the Accused, without discrimination or prejudice.
  - e. Refrain from discriminatory behaviour.

- f. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
  
- 7 It is alleged that on or about December 16, 2020, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife, Judge Molloy mocked the Accused, Debbie Ailanak, who was unrepresented, as "the epitome of normal", contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
  - a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - b. Treat everyone with civility and respect in the performance of his judicial duties.
  - c. Foster access to all and carry out his duties with appropriate consideration for the Accused and ensure that the Accused is treated fairly and respectfully.
  - d. Carry out his duties with respect for the Accused, without discrimination or prejudice.
  - e. Refrain from discriminatory behaviour.
  - f. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
  
- 8 It is alleged that on or about January 8, 2021, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife, Judge Molloy on his own initiative and without providing reasons, revoked the bail of the Accused, Christopher Yendo, and then refused to expedite the production of a Presentence Report, all contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:
  - a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
  - b. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
  
- 9 It is alleged that on or about February 3, 2021, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife, in the matter of *R v Joshua Clark*, Judge Molloy accused RCMP Constable Gordon Raeside of theft and

made inappropriate comments about Cst Raeside's conduct, contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:

- a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
- b. Treat everyone with civility and respect in the performance of his judicial duties.
- c. Avoid all forms of harassment and abuse of authority or status.
- d. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
- e. Avoid conduct which could reasonably cause others to question his impartiality.

**10** It is alleged that on or about February 17, 2021, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife, Judge Molloy's demeaning treatment of Crown Counsel during a joint sentencing submission in the matter of *R v Benjamin Nitsiza* was contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:

- a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
- b. Treat everyone with civility and respect in the performance of his judicial duties.
- c. Avoid all forms of harassment and abuse of authority or status.
- d. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
- e. Avoid conduct which could reasonably cause others to question his impartiality.

**11** It is alleged that on or about May 7, 2021 and on or about May 28, 2021, while presiding in the Territorial Court of the Northwest Territories, at Yellowknife during the sentencing of Abraham William Paul Bonnetplume, Judge Molloy made allegations against Crown Counsel contrary his commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:

- a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
- b. Treat everyone with civility and respect in the performance of his judicial duties.
- c. Avoid all forms of harassment and abuse of authority or status.
- d. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
- e. Avoid conduct which could reasonably cause others to question his impartiality.

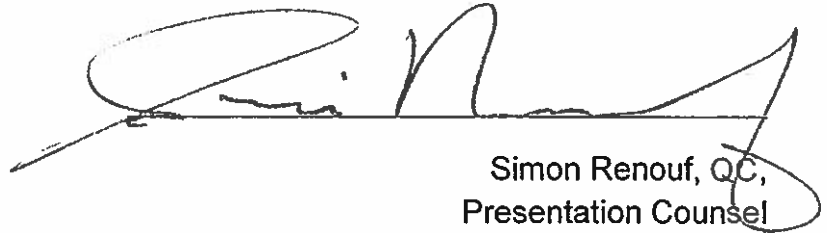
**12** It is alleged that on or about May 17, 2021, while presiding in the Territorial Court of the Northwest Territories at Yellowknife, at the opening of Court Judge Molloy, contrary to the NWTTC Practice Directives dated January 18, 2021, ordered Crown Counsel, in the matter of *R v Shawn Beaulieu*, who was present by video-link, to attend Court in person to speak to the Accused's matter, and subsequently indicated he would invite submissions as to whether to dismiss the charges against the Accused for want of prosecution, contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public in the administration of justice, and particularly, contrary to his duty to:

- a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
- b. Treat everyone with civility and respect in the performance of his judicial duties.
- c. Avoid all forms of harassment and abuse of authority or status.
- d. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
- e. Avoid conduct which could reasonably cause others to question his impartiality.

**13** It is alleged that on or about May 27, 2021 while presiding in the Territorial Court of the Northwest Territories, at Yellowknife, in the matter of *R v TP*, Judge Molloy's demeaning treatment of counsel was contrary to Judge Molloy's commitment to perform his role in such a manner so as to maintain the confidence of the public, and particularly, contrary to his duty to:

- a. Conduct himself inside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.
- b. Treat everyone with civility and respect in the performance of his judicial duties.
- c. Avoid all forms of harassment and abuse of authority or status.
- d. Ensure that his conduct at all times maintains and enhances confidence in his impartiality and that of the judiciary.
- e. Avoid conduct which could reasonably cause others to question his impartiality.

DATED at the City of Edmonton, in the Province of  
Alberta, this 23<sup>rd</sup> day of August, 2022.



Simon Renouf, QC,  
Presentation Counsel