

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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DECISION OF THE JUDICIAL COUNCIL FOR TERRITORIAL  
JUDGES RESPECTING A REQUEST FOR STANDING BY THE  
PUBLIC PROSECUTION SERVICES OF CANADA

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Yellowknife, Northwest Territories

February 20, 2023

1 Proceedings taken at Chateau Nova, Yellowknife,  
2 Northwest Territories.

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4 February 20, 2023

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6 K.M. Shaner, J The Chair

7 J. Watson, JA Judicial Council Member

8 (Remote Appearance)

9 C. Baile, CTAJ™, C Arb Judicial Council Member

10 S. Toner, CTAJ™ Judicial Council Member

11 P. Scott, PhD Judicial Council Member

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13 J. Rossall, KC Counsel for the Judicial Council

14 (Remote Appearance)

15 E. Holmstrom Counsel for the Judicial Council

16 (Remote Appearance)

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18 S. Renouf, KC Presenting Counsel

19 (Remote Appearance)

20 L. Anaka With Presenting Counsel

21 (Remote Appearance)

22

23 K. Teskey, KC Counsel for the Complainant

24 (Remote Appearance)

25 M. Chertkow The Complainant

26 (Remote Appearance)

1 R. Bradbury Counsel for D. Molloy, J  
2 (Remote Appearance)

3

4 C. Bernier Senior Counsel, Department of  
5 Justice Canada Representing  
6 Public Prosecution Service of  
7 Canada

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9 S. Masongsong Judicial Council Clerk

10 A. Vidal, CSR(A), RMR Official Court Reporter

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12 (BEGINNING OF EXCERPT)

13 **Decision**

14 THE CHAIR: We've had an opportunity to  
15 consider and decide on this application. I'll  
16 start by saying thank you for the helpful written  
17 and oral submissions offered by all counsel  
18 today.

19 The Panel appreciates very much the concerns  
20 that the PPSC has put forward both from an  
21 institutional perspective and with respect to  
22 individual prosecutors. However, it is our view  
23 that these do not create a substantial and direct  
24 interest that is sufficient to justify a grant of  
25 even limited standing. At this point, the  
26 concerns are speculative, and, further, they are

1 in nature the same as those of any other  
2 institution or witness which has involvement in  
3 any legal proceeding. Moreover, it's our view at  
4 this point that PPSC could not offer anything to  
5 the process which would not be addressed through  
6 Presenting Counsel or which would otherwise  
7 assist the Panel in its inquiry into this  
8 complaint.

9 And so for these reasons, the application  
10 for standing by PPSC is denied. Thank you.

11 (END OF EXCERPT)

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1        **CERTIFICATE OF TRANSCRIPT**

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3            I, the undersigned, hereby certify that the

4            foregoing pages are a complete and accurate

5            transcript of the proceedings taken down by me in

6            shorthand and transcribed from my shorthand notes

7            to the best of my skill and ability. Judicial

8            amendments have been applied to this transcript.

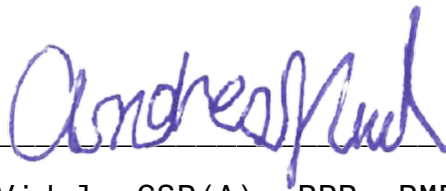
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10           Dated at the City of St. Albert, Province of

11           Alberta, this 1st day of March 2023.

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16           A. Vidal, CSR(A), RPR, RMR

17           Official Court Reporter

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