Case Name: **R. v.**

Between Her Majesty the Queen, and

[2013] O.J. No. 6480

Ontario Court of Justice Burlington, Ontario

A. Zuraw J.

Heard: October 8, 2013. Oral judgment: October 8, 2013.

(13 paras.)

Counsel:

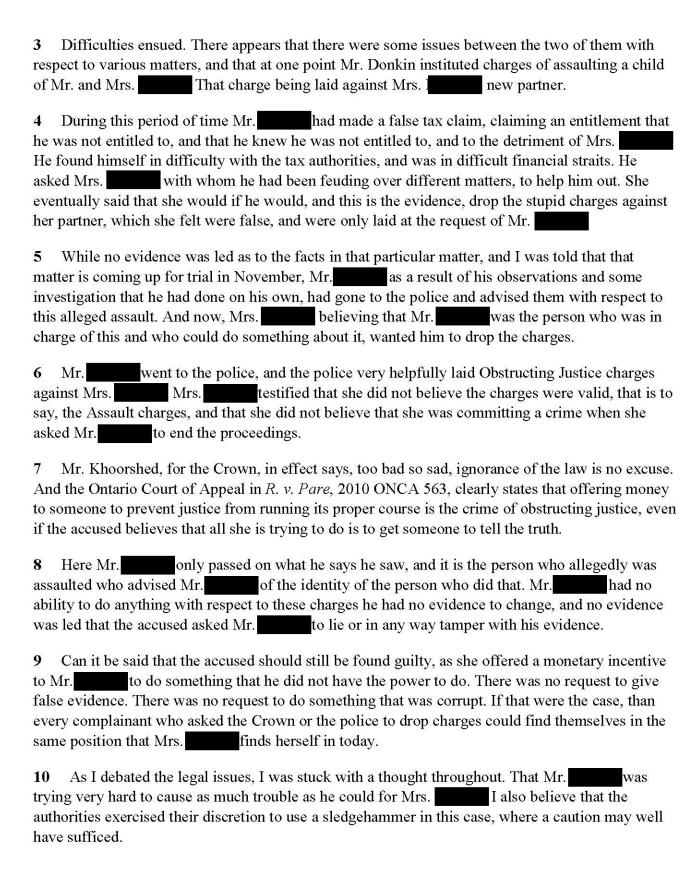
J. Dipsky, Esq., Counsel for the Crown.

A. Stastny, Esq., Counsel for the Accused.

REASONS FOR JUDGMENT

1 A. ZURAW J. (orally):	is charged that between the 1st of May in 2012, and
October the 31st, 2012, she did	l, in the Town of Milton, or elsewhere in the Province of Ontario,
willfully attempt to obstruct, p	ervert, or defeat the course of justice, by offering a financial incentive
to Frank Donkin, contrary to s	139(2) of The Criminal Code.

2	initially the charge contained the allegation that she asked Mr. to give false information
that	was subsequently amended to delete that particular. The evidence showed that Mr. and Mrs.
	separated after being together for some time, and Mrs. began a relationship with
Mr.	boss.



- I am troubled, overly, on the evidence. I went back and forth believing that there was certainly the *actus reus* and that Mrs. did want the proceedings to come to an end. But at the end of the day I do have a doubt as to whether or not there was any intent to obstruct justice. I therefore find that I do have a reasonable doubt. And while Mrs. should not have attempted to link these two things together, as part of the give and take that occurs in proceedings in family matters between two parties, as I say, I am not satisfied that the full extent of the law was appropriate, and I do not find that there is the context in which I would find that the accused was attempting to obstruct, to pervert, or defeat the course of justice. Accordingly, the case is dismissed.
- 12 MR. STASTNY: Thank you Your Honour.
- 13 MR. DIPSKY: Yes, thank you Your Honour.