

CANADA / JUDGMENT

USA v. Fraser

2015 BCSC 145

COURT

Supreme Court of British Columbia

DECIDED

30 January 2015

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2015 BCSC 145 USA v. Fraser IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: USA v. Fraser, 2015 BCSC 145 Date: 20150130 Docket: 26331 Registry: Vancouver In the Matter of the Extradition Act, S.C. 1999, c. 18, as amended And in the Matter of the Attorney General on behalf of the United States of America and Shane Donald Fraser, Todd Ian Ferguson, Daniel James Joinson, Darrell Joseph Romano, Robert Frank Romano, Ivan Djuracic, Aaron Randolph Anderson and Jamie Daniel Nenasheff Before: The Honourable Madam Justice Watchuk Reasons for Judgment Re: Application for Disclosure Clarification Counsel for the Attorney General of Canada: A. Lord K. Swift Counsel for the Person Sought Djuracic: P. Edelmann Place and Dates of Written Request and Appearance: Vancouver, B.C. July 14, 2014 November 18, 2014 Place and Date of Judgment: Vancouver, B.C. January 30, 2015

- [1] In Reasons for Judgment reported at 2014 BCSC 1132, I dismissed the Applications of Mr. Djuracic and Mr. Fraser for further disclosure in this extradition matter.
- [2] Mr. Djuracic, by way of email, seeks clarification as follows: I wish to clarify whether the decision precludes Mr. Djuracic from adducing any further evidence to support the allegations or from clarifying the remedy sought. In particular, I would seek clarification of the findings starting at paragraph 159. Is this a finding that even if there were admissible and compelling evidence of interception, collection and/or storage of judicial information or data related to counsel (the first allegation set out in paragraph 90 of the reasons), that it would not interfere with either the independence of the judiciary or the role of counsel, and therefore a remedy would not be needed?
- [3] The Requesting State takes no position.
- [4] The Application for Disclosure was dismissed. No application to reopen has been received. Mr. Djuracic's request for clarification was not accompanied by law or evidence.
- [5] Mr. Djuracic's question cannot be answered in a vacuum and I decline to do so. "The Honourable Madam Justice Watchuk"

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