



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## EXTRAORDINARY

### Part I

**PUBLISHED BY AUTHORITY**

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ST. JOHN'S, MONDAY, MARCH 24 2003

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#### **PROCLAMATION**

*ELIZABETH THE SECOND, by the Grace of God of the  
United Kingdom, Canada and Her Other Realms and Territories  
QUEEN, Head of the Commonwealth, Defender of the Faith.*

EDWARD ROBERTS  
Lieutenant Governor

KELVIN L. PARSONS  
Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

#### **A PROCLAMATION**

WHEREAS Section 2 of the *Public Inquiries Act*, provides in part, as follows:

Where the Lieutenant Governor in Council considers it expedient to make an enquiry into a matter connected with ...the administration of justice, ... or into other matters which he or she considers to be for the public good, the Lieutenant Governor in council may by commission under the Great Seal appoint the person or persons, called the commissioner or commissioners, that he or she may select to hold an enquiry.

AND WHEREAS the Lieutenant Governor in Council is of the opinion that the arrests and prosecutions of Gregory Parsons and Randy Druken have raised a number of questions relating to the administration of criminal justice in Newfoundland and Labrador, and are of sufficient public importance to justify an inquiry.

AND WHEREAS the Lieutenant Governor in Council is of the opinion that the detention of Ronald Dalton for eight years before the integrity of his conviction was brought on for a hearing in the Supreme Court of Newfoundland and Labrador, Court of Appeal, has raised a number of questions about the administration of justice in the province and is of sufficient public importance to justify an inquiry.

Gregory Parsons

AND WHEREAS Catherine Carroll was murdered on or about 2 January, 1991.

AND WHEREAS following an investigation conducted by the Royal Newfoundland Constabulary on 10 January 1991, Gregory Parsons was arrested and charged with the murder of Catherine Carroll, and,

- (a) on 18 January 1991 Gregory Parsons was granted judicial interim release;
- (b) on 15 February 1994 Gregory Parsons was convicted of second degree murder in the death of Catherine Carroll and on 17 February 1994 was sentenced to life without parole for 15 years;
- (c) on 25 March 1994 Gregory Parsons was granted judicial interim release by the Supreme Court of Newfoundland and Labrador, Court of Appeal, pending his Appeal of the conviction of second degree murder;
- (d) on 3 December 1996 the Supreme Court of Newfoundland and Labrador, Court of Appeal, overturned Gregory Parsons' conviction of second degree murder in the death of Catherine Carroll and ordered a new trial;
- (e) in August 1997 certain exhibits used in the trial of Gregory Parsons were released for DNA testing;
- (f) on 26 January 1998 the results of the DNA testing confirmed that the DNA found at the murder scene was not that of Gregory Parsons;
- (g) on 2 February 1998 a Stay of Proceedings was entered on the murder charge against Gregory Parsons;
- (h) on 5 November 1998 Gregory Parsons was acquitted of the charge that he had murdered Catherine Carroll;
- (i) on 5 November 1998, after the Crown called no evidence, the then Minister of Justice and Attorney General, the Honourable Chris Decker, publically apologized to Gregory Parsons and his family and stated that Gregory Parsons had no involvement in the murder of Catherine Carroll. Retired Justice Nathaniel Noel was appointed to investigate the circumstances of Mr. Parsons' arrest and prosecution;
- (j) on 8 January 1999 Gregory Parsons commenced a civil action against Government and, as a result, Justice Noel suspended his investigation;

- (k) on 28 February 2002 Government announced that it had reached an agreement to compensate Gregory Parsons for his arrest and conviction in the death of Catherine Carroll; and
- (l) Brian Doyle was subsequently convicted of second degree murder in the death of Catherine Carroll.

Randy Druken

AND WHEREAS Brenda Young was murdered on or about 12 June 1993.

AND WHEREAS following an investigation by the Royal Newfoundland Constabulary, on 20 August 1993, Randy Druken was charged with the murder of Brenda Young, and

- (a) on 18 March 1995, following a trial before a judge and jury, Randy Druken was convicted of second degree murder in the death of Brenda Young and on 14 June 1995 was sentenced to a period of life imprisonment with no eligibility of parole for 14 years;
- (b) on 30 June 1995 Randy Druken caused a Notice of Appeal to be filed with the Supreme Court of Newfoundland and Labrador, Court of Appeal;
- (c) on 17 July 1999, following an Application to admit fresh evidence, the Supreme Court of Newfoundland and Labrador, Court of Appeal, overturned the conviction for second degree murder and ordered a new trial;
- (d) on 30 August 2000 the Crown entered a Stay a Proceedings of the charge against Randy Druken in the death of Brenda Young. This Stay expired on 30 August 2001 and to date no further charges have been laid against anyone in the death of Brenda Young; and
- (e) on 29 August 2002 Randy Druken commenced civil proceedings against Government alleging police negligence and malicious prosecution.

Ronald Dalton

AND WHEREAS at approximately 1:15 a.m. on 16 August 1988, the wife of Ronald Dalton, Brenda Dalton, was declared dead.

AND WHEREAS following an investigated by the Royal Canadian Mounted Police on 17 August 1988 Ronald Dalton was arrested and charged with the murder of Brenda Dalton, and

- (a) on 15 December 1989, following a trial before a judge and jury, Ronald Dalton was convicted of second degree murder in the death of Brenda Dalton;
- (b) on 27 December 1989 Ronald Dalton caused a Notice of Appeal of his murder conviction to be filed with the Supreme Court of Newfoundland and Labrador, Court of Appeal;
- (c) Ronald Dalton's Appeal was heard by the Court of Appeal some eight years later on 8 and 9 January, 1998;

- (d) on 29 May 1998 the Court of Appeal allowed Ronald Dalton's Appeal, overturned his murder conviction and ordered a new trial on the murder charge. In ordering the new trial the Court of Appeal expressed concern over the delay between the filing of the Notice of Appeal and its eventual perfection. In its Reasons for Judgment the court stated:

Undoubtedly those charged with the administration of justice and the provision of legal services in this Province will feel constrained in due course, when satisfied that collateral inquiry will not impede the realization of justice on retrial, to receive explanation why a citizen languished in prison for eight years before substantial challenges to the justification of his presence there were brought before this court for hearing.

- (e) following a retrial before judge and jury, on 24 June 2000 Ronald Dalton was acquitted of the murder of Brenda Dalton; and
- (f) on 30 November 2001 Ronald Dalton commenced civil proceedings against Dr. Charles Hutton, alleging that Dr. Hutton was negligent in his opinion that Brenda Dalton had died of strangulation. Government is joined as Dr. Hutton's employer.

NOW THEREFORE by Commission under the Great Seal and under the authority of the *Public Inquiries Act*, the Lieutenant Governor in Council appoints the Right Honourable Antonio Lamer, P.C., a Commissioner.

AND BE IT ORDERED that the Commissioner:

- (a) inquire into the conduct of the investigation into the death of Catherine Carroll, and the circumstances surrounding the resulting criminal proceedings commenced against Gregory Parsons for the murder of Catherine Carroll;
- (b) inquire into the conduct of the investigation in the death of Brenda Young, and the circumstances surrounding the resulting criminal proceedings commenced against Randy Druken for the murder of Brenda Young;
- (c) advise on whether, in the circumstances of his case, Randy Druken should receive financial compensation from Government and if so, the appropriate amount of such compensation;
- (d) inquire into why Ronald Dalton's Appeal of his murder conviction in the death of Brenda Dalton took eight years before it was brought on for a hearing in the Newfoundland and Labrador Court of Appeal; and
- (e) advise on whether Ronald Dalton should receive financial compensation from Government for the eight years in which he awaited the perfection of his Appeal, and if so, the appropriate amount of such compensation.

AND IT IS FURTHER ORDERED THAT the Commissioner has the power to summon witnesses, and to require the witnesses to give evidence orally or in writing upon oath or affirmation, and to produce the documents and things that may be

considered necessary to the full investigation of the matters referred to in the commission and have all the powers of an “investigating body” under the *Public Investigations Evidence Act*.

AND THAT the Commissioner report his findings on these matters, including any findings respecting practices or systemic issues that may have contributed to or influenced the course of the investigation or resulting prosecution in the case of Gregory Parsons and Randy Druken, or in the case of Ronald Dalton, the length of time before the hearing of his Appeal, and make such recommendations as he considers advisable relating to the current administration of criminal justice in the Province of Newfoundland and Labrador.

AND THAT the Commissioner perform his duties without expressing any conclusion or recommendation regarding the civil or criminal responsibility of any person or organization and without permitting the enquiry to become a retrial of Gregory Parsons, Randy Druken or Ronald Dalton.

AND THAT the Commissioner complete this inquiry and deliver his final report containing his findings, conclusions and recommendations to the Attorney General on or before December 31, 2004 and give the Attorney General such interim reports as he considers appropriate to address urgent matters in a timely fashion in a form appropriate for release to the public which release will be subject to the *Freedom of Information Act* and other relevant laws.

AND THAT to the extent the Commissioner considers advisable he rely on any transcript or record of pre-trial, trial or appeal proceedings before any Court in relation to the proceedings and prosecution and on such other related materials as he considers relevant to his duties.

AND THAT reasonable legal fees that may be incurred from time to time to assist Gregory Parsons, Randy Druken and Ronald Dalton during those phases of the inquiry relevant to each, should standing at the inquiry be granted, in an amount and under such terms as may be determined by the Deputy Attorney General in accordance with the existing policies and practices of the Government of Newfoundland and Labrador, the account of which will be subject to taxation by a taxation or judicial officer appointed by the Commissioner.

AND FURTHER THAT the Lieutenant Governor in Council may engage the services of the counsel, accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants that may be considered necessary to help the Commissioner in the inquiry.

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ST. JOHN'S, MONDAY, MARCH 24, 2003

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WITNESS: Our trusty and well-beloved the Honourable Edward Roberts, one of Her Majesty's Counsel learned in the law, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's this 20<sup>th</sup> day of March, in the year of Our Lord two thousand and three in the fifty-second year of Our Reign.

BY COMMAND,

ROBERT F. SMART  
Deputy Registrar General

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