

From: Martin Minuk
To: Brian Kaplan; Colleen (JUS) Ireton
Date: 8/28/07 10:17 am
Subject: Re: Zenk Matter - Winnipeg Sun
Attachments: Sveinson 1 - August 15, 2007.doc

Brian,

I am replying to your request that I respond to the statements made in the Winnipeg Sun article of today's date.

I received the VIS from the Victim Services department and was alerted by the worker that the report contained material which was not in compliance with the rules and directives for such reports.

I read the 3 page statement (single spaced) of the Sveinson family. After reading the statement I concluded that only a small portion of the report was not in compliance. These portions (3 sentences on page 1, part of the first paragraph on page 2 and a few words of 1 sentence on page 3) made reference to character of the accused and the judicial system/ court process.

I highlighted the portions which offended the guidelines and sent a letter to the Sveinson's attaching a highlighted copy of the statement. My letter informed them that in my opinion the highlighted portions were not in compliance with the rules/guidelines. The rules/guidelines are set out on the front page of the instructions given to the victims. The letter to the Sveinson's is attached.

As for the matter of the Sveinson's I met with them on a number of occasions.

The Sveinson's at the same time are not the primary victims - the husband and children are the primary victims as I understand the Victim's Bill of Right's legislation. The definition of victim is,

"victim" means an individual, or a corporation, organization or other entity, against whom an offence is committed or is alleged to have been committed, and

(a) where the victim is an individual who is deceased, means an individual — other than the alleged offender — who, at the time of the offence,

(i) was

(A) married to and living with the victim,

(B) cohabiting with the victim and together with the victim had registered their common-law relationship under section 13.1 of The Vital Statistics Act, or

(C) cohabiting with the victim in a relationship for not less than one year, or

(ii) where no person qualifies under subclause (i), is the victim's nearest relative

One might argue based on the definition that I had no business meeting with the Sveinson's at all since the deceased had both a surviving husband and children. Not only was the parent's VIS statement filed at the hearing so to was the deceased's sister's statement.

Notwithstanding the definition of "victim" the Sveinson's were the first family members with whom t I met.

Shortly after that meeting I met with the surviving husband (Mr. Taman) and one of the three children. They were very upset I met with the Sveinson's and reminded me they were the victim's according the legislation. It was evident to me that the Taman's and Sveinson's did not get along and that balancing the interests of the parties would not be without difficulty.

Nevertheless, the Sveinson's were informed and spoken with on numerous occasions. The discussions always seemed cordial. Often they wanted discuss general systemic issues and justice issues. I am of the view they were informed as best I was able keeping in mind the position of the Tamans and the need to

ensure that both trial fairness and the RCMP investigation was not impaired.

A very real difficulty is the relationship between the Sveinson's and the Taman family. The Taman family was not happy at all with my meeting with the Sveinson's and as such I needed to be balance all the interests and be careful not to overstep the guidelines.

The Sveinson's met with me in my office and were also spoken to on the phone each time they called.

The Sveinson's are plain wrong and much like anything else I suspect there is little I can do about this.

As you can see from my letter to the Sveinson's I have been careful to do everything according to the rules and allow for victim participation.

If there is any other information I can provide please advise.

Marty

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>>> "Ireton, Colleen (JUS)" <Colleen.Ireton@gov.mb.ca> 8/28/07 8:23:38 am >>>

Hi Marty: Brian has asked that you read the papers today (especially the Sun) regarding the matter of Victim Impact Statements and provide your comments in writing please.

Thanks.
Colleen
Colleen Ireton
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August 15, 2007

DELIVERED

Mr. and Mrs. Sveinson



Dear Sir & Madam:

Re: Victim Impact Statement - R. v. Derek Harvey Morden Zenk

I have now had an opportunity to review the Victim Impact Statements prepared by you which I would like to file at the sentencing hearing of the above named accused.

Martin S. Minuk*

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I have been informed by Victim Services that both of you have been provided with the guidelines setting out the framework for Victim Impact Statements. In this regard, I am enclosing a copy of the statement you provided with certain portions highlighted. It is my opinion that the highlighted portions do not meet the requirements for the Victim Impact Statement, and I am of the view that they should be expunged.

So that you are not surprised, it will be my intention to delete the identified portions from your Victim Impact Statement and once so deleted (covered up) the statement will be filed with the court.

Additionally, the guidelines for Victim Impact Statements exclude attaching photographs and newspaper articles. I will not be filing material in contravention of the guidelines, and any such material will be returned to you.

If you wish to discuss this matter with me, please feel free to contact me before the end of the week, as I would like to file the material as soon as possible.

Yours truly,

Per:

Martin S. Minuk
Agent for the Attorney General of Manitoba

MSM/ace
enc.