

News Release

Charges against Master-Corporal Robbie Fraser withdrawn

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OTTAWA – Captain (Navy) Holly MacDougall, the Canadian Forces Director of Military Prosecutions (DMP), has withdrawn the charges of Manslaughter and Negligently Performing a Military Duty against Master-Corporal Robbie Fraser in the shooting death of Master Corporal Jeffrey Scott Walsh.

On August 9, 2006, while deployed to Afghanistan, Master Corporal Walsh was killed in a shooting incident. On March 12, 2007, the Canadian Forces National Investigation Service (CFNIS) brought charges against Master Corporal Robbie Fraser. These charges were then referred to the DMP by the chain of command on July 11, 2007.

“In this case the defence counsel demonstrated to the prosecutors a possible reconstruction of the events that led to the death of MCpl Walsh,” says Lieutenant-Colonel Bruce MacGregor, Deputy Director of Military Prosecutions and prosecutor at the Court Martial of MCpl Fraser. “The evidential foundation to this reconstruction was provided by the accused over the Thanksgiving weekend, although he was under no obligation to do so. The prosecutors in this case analyzed the evidence that was not previously available and the defence theory and spoke with key witnesses including an RCMP ballistic expert to determine if the theory was reasonable. Once it was established that this scenario provided a reasonable explanation for the shooting, the prosecutors concluded that they no longer had a reasonable prospect of conviction and had a duty to withdraw the charges.”

The charge of Manslaughter was contrary to Section 130 of the *National Defence Act*, which incorporates Section 236 of the *Criminal Code*. The charge of Negligently Performing a Military Duty was contrary to Section 124 of the *National Defence Act*.

MCpl Fraser is currently a soldier with the 2nd Battalion of the Princess Patricia's Canadian Light Infantry (PPCLI), in Shilo, Manitoba.

Military prosecutors consider two main issues when deciding whether to prosecute a charge at court martial: whether the evidence is sufficient to provide a reasonable prospect of conviction and whether the public interest requires a prosecution be pursued. They continually reassess these issues as new information about the case becomes available.

The DMP is a separate and independent authority for military prosecutions who exercises prosecutorial discretion within the military justice system, free of influences, and based on legal principles and criteria.