

PETITION TO THE HOUSE OF COMMONS IN PARLIAMENT ASSEMBLED

Whereas:

We the undersigned, citizens of Canada, acknowledge that Master Corporal (retired) Collin Fitzgerald, one of Canada's highest-decorated former soldiers from the Afghan war is facing a mountain of debt after fighting to clear his name over three criminal charges that the Crown Attorney withdrew in 2016 after 27 months of prosecution. Fitzgerald is potentially among tens of thousands of Canadians who have been driven to the edge of bankruptcy defending themselves against unfounded prosecutions secondary to travesty and abusive of process. Fitzgerald faced three separate sets of charges, including motor vehicle theft, harassment and intimidation of a police officer and breaching bail conditions, in relation to alleged incidents in 2012 and 2014. Each count was dropped by the Crown in separate court proceedings throughout 2016. The charges, in each case, were laid at the behest of the OPP. According to the court record, prosecutors discovered that the former soldier's whereabouts did not match the OPP's allegations and witnesses very early on in their investigation. Throughout more than two years of court proceedings, the former soldier, who maintained his innocence, was repeatedly offered plea deals by prosecutors. Fitzgerald refused each attempt and accused the Crown of turning a blind eye to evidence that exonerated him. Randy Hillier MPP, current provincial Progressive Conservative justice critic stated "a lot of people in Fitzgerald's position take a deal because they don't have the stomach or the pocketbook for an extended court fight".

Ontario Court of Justice statistics show that there were 205,200 cases resolved in 2015. Of those, 82,400 were wrapped up by way of the charges being stayed or withdrawn before trial and another 9,900 were dropped at the trial stage, according to Macdonald-Laurier Institute Report card on the criminal justice system: Evaluating Canada's Justice Deficit written by Benjamin Perrin and Richard Audas. The report finds that, with few exceptions, our justice system is slow, inefficient, and costly. Statistics Canada figures from 2013-14 show Ontario outstripped all other provinces with 43.8 per cent of criminal proceedings being pulled before they were heard. Therefore Canadians deserve a constructive response from those responsible, including the police, Crown prosecutors, courts, governments, corrections authorities and others to work towards a justice system not a legal system. We, the undersigned, citizens of Canada, call upon the House of Commons in Parliament assembled to:

1. Debate and vote on a motion calling on the government to rebuild trust in the Crown Attorney and Police Forces among Canadians by holding an independent inquiry under the Inquiries Act (RSC 1985, c l-11) Section 2 into the twenty-seven month long prosecution of Afghanistan War Hero Master Corporal (retired) Collin Fitzgerald, Medal of Military Valour recipient.
2. Determine how to right the wrong of the state by demanding an overhaul of the relationship between Police Forces and the Crown Attorney.
3. Determine how to compensate thousands of unjustly accused Canadians.

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