

# IN THE SUPREME COURT OF YUKON

Citation: *R. v. Waranuk*, 2008 YKSC 32

Date: 20080513  
S.C. No. 07-AP006  
Registry: Whitehorse

Between:

**HER MAJESTY THE QUEEN**

Respondent

And

**TIM A. WARANUK**

Appellant

Before: Mr. Justice R.S. Veale

Appearances:

David McWhinnie  
Tim Waranuk

Counsel for the Respondent  
Appearing on his own behalf

## **REASONS FOR JUDGMENT (Friend of the Court)**

### **INTRODUCTION**

[1] Mr. Waranuk appeals from a finding that he committed an assault and a ruling that he was not criminally responsible. I gave directions on the procedure to be followed in hearing this appeal in *R. v. Waranuk*, 2008 YKSC 31.

[2] The appeal has been set for Friday, May 30, 2008, on a peremptory basis.

[3] In addition to the timelines that I have set out, I wish to address the issue of appointing an *amicus curiae* or friend of the court, which is a lawyer who ensures that the court will have the benefit of any argument that can reasonably be made on

Mr. Waranuk's behalf, as Mr. Waranuk does not appear to have legal counsel at this time. It appears that Mr. Waranuk thought he had legal counsel, but in the event that this is not the case, I am appointing Michael Reynolds to act as *amicus curiae*.

[4] I request the Crown to pay Mr. Reynolds' fees and disbursements on the legal aid tariff. I do not intend this request to be a precedent for either future appointments of *amicus curiae* or their rates of remuneration. The issue of *amicus curiae* has not been fully explored on this appeal, although Crown counsel gave an indication he was not in favour of such an appointment.

[5] In the future, in cases like this where the issue is an appeal of a finding of not criminally responsible, it strikes me that the issue of appointment of *amicus curiae* should be considered at the outset to avoid the possibility that the appellant, if unrepresented, will not have all the arguable points in his favour presented at the hearing.

[6] The role of *amicus curiae* is primarily to assist the court to ensure that all matters of law, fact or mixed fact and law are properly addressed and that the issues raised by Mr. Waranuk in his notice of appeal are addressed. To that end, I am directing the clerk to provide Mr. Reynolds with a copy of the two decisions of Judge Faulkner, the transcripts that have been filed and the case management orders. To be clear, Mr. Reynolds is to act as a friend of the court and not as counsel for Mr. Waranuk.

[7] Because of the late appointment of *amicus curiae*, Mr. Reynolds is not required to file a memorandum of argument until May 23, 2008, the same day as the Crown is required to file its memorandum of argument.