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Our File: 8485 TME

April 7, 2026

Via Email

Hon. Mickey Amery, KC
Minister of Justice
Legislature Building, 10800-97 Ave
Edmonton, AB T5K 2B6
Email: ministryofjustice@gov.ab.ca

Curtis Zablocki
Director of Law Enforcement
Email: curtis.zablocki@gov.ab.ca

Police Review Commission
Email: PRC@gov.ab.ca

Dear Minister Amery, Director Zablocki, and the P.R.C.:

Re: Criminal Complaint by the CTLA against Megan HANKEWICH and EPS Chief Warren DRIECHEL

On behalf of the Criminal Trial Lawyers' Association ("**CTLA**"), I make this complaint against Megan Hankewich, the acting Edmonton Police Service (EPS) Executive Director of Legal and Regulatory Services ("**Hankewich**"), and Warren Driechel, Chief of the Edmonton Police Service ("**Driechel**").

I request that the Minister of Justice direct the Police Review Commission to investigate Hankewich and Driechel for criminal conduct related to the case of *R v Rattlesnake*, 2026 ABKB 150. Further, I request that, once the investigation is complete, the matter be referred to the Attorney General of another province for a decision on laying criminal charges. I make this request because Premier Danielle Smith publicly supported the impugned conduct.

The Subject of the Complaint
On September 8, 2025, Hankewich authored a Letter addressed to the Assistant Deputy Minister in charge of the Alberta Crown Prosecution Service, Kimberley Goddard (the "**Letter**"). Then Interim Chief Driechel, by letter dated September 8, 2025, sent the Letter to ADM Goddard and copied Minister Mickey Amery. In that Letter, Hankewich expressed "shock and horror" at the alleged decision of the Crown prosecutor to accept a plea to manslaughter and an 8-year sentence as part of a "plea deal" in what is now known as the case of *R v Rattlesnake*, 2026 ABKB 150. I enclose with this complaint a copy of the Letter and the Driechel letter.

In fact, the accused, Ashley Rattlesnake, was initially charged with first-degree murder but she was committed on the charge of second-degree murder at a preliminary inquiry. There was no agreement on sentence. I am uncertain whether there was an agreement to plead guilty to manslaughter, but there probably was.

The Letter made two demands and one threat. It demanded, on behalf of the Edmonton Police Service, that the alleged disposition agreement be reviewed by ADM Goddard, and that the Crown resile from that agreement. It threatened that, should the disposition agreement proceed as planned, the Edmonton Police Service would publish information from the police file so the public could assess whether the Crown's conduct was appropriate. Specifically, the Letter contained the following:

> "I am taking the extraordinary step today of asking you to review a file pursuant to your jurisdiction under *R v Nixon*, to review the decisions being made by the prosecuting Crown to resolve an egregious homicide file in way that we believe would constitute a significant miscarriage of justice.
> …
> However, to our shock and horror, we were advised that the prosecuting Crown had agreed to accept a guilty plea to manslaughter with an 8-year sentence. Based on a JOIN query, we anticipate this to occur this Wednesday, September 10, 2025. Our position is that to allow this plea deal to go ahead would be to bring the administration of justice into disrepute and constitute a significant miscarriage of justice.
> …
> Therefore, we respectfully request that you use your authority, as confirmed by the Supreme Court in *Nixon*, to review the strength of the evidence and the seriousness of the case to review the prosecuting Crown's decision, and if you ultimately agree with our assessment that this deal is not proper, to act to resile from the plea agreement.
>
> If this plea agreement is allowed to go through, we do not believe that justice will be served. While we maintain hope that this case will see a trial, we will not publicly publish details of the evidence collected, so as to avoid the risk of tainting the prospective jury pool. However, if the matter concludes as currently planned, there is no potential jury pool to taint. Therefore, we will share significant information from our investigation with the public so that they can properly assess whether this prosecution and plea agreement were conducted appropriately and advocate in the public forum for a stronger prosecution service."

ADM Goddard declined Hankewich's request.

By sending the Letter, Driechel was a party to the conduct in question.

On September 9, 2025, the Letter became public when it was sent to some media outlets. It is suspected that Hankewich was responsible for this. The Letter was published by various news outlets, including CBC News, Global News, and the Edmonton Journal.[1]

[1] See, for example: CBC News https://www.cbc.ca/news/canada/edmonton/edmonton-police-object-to-proposed-plea-deal-for-woman-accused-of-killing-8-year-old-girl-1.7629354, Global News

On September 10, 2025, Hankewich reaffirmed the contents of the Letter in a media conference. She expressed her intent to publish the additional information referenced in the Letter once the sentencing process concluded. Hankewich acknowledged the extraordinary step taken by issuing the Letter, stating that "Making it public and seeking to have the ADM review the file to potentially reconsider the deal is a rare and exceptional move…".[2] I attach a transcript of that media conference.[3] There can be no doubt she was speaking on behalf of Driechel and the EPS.

That same day, Premier Danielle Smith voiced her approval of the Letter, expressing support for the EPS concerns and indicating her desire for public justification of the Crown Prosecution Service's choice. She stated[4]:

> "If the Crown Prosecution Service declines to prosecute or take things to trial, they need to go public with their reasons so that people understand why they feel that there was not a reasonable likelihood of conviction… .
>
> People are tired of seeing a lax on crime kind of approach. People want to see that people are going to be punished to the maximum capable under the law, and sometimes that can only happen with a trial. So I look forward to hearing the Crown Prosecution Service justify, publicly, their reasons."

Thereafter, the conduct of Hankewich and Driechel was heavily criticized.[5] On January 2, 2026, Driechel's comments on the matter were published in an interview with CBC News. In response to a question about whether he regretted publicizing the letter, he stated[6]:

> "No, and I've been asked this. I think given the set of circumstances and the time and where we were at with that one, probably would do it again, yes. That was going to trial within a matter of days, and if that plea bargain was there, it pretty well closes the door — due to double jeopardy, we're now done. So we just wanted to force the issue and really talk about: let's get to the table and figure out why these things are happening."

Sentencing Decision

On February 27, 2026, Justice Fraser of the Alberta Court of King's Bench issued his oral decision

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https://www.cbc.ca/news/canada/edmonton/edmonton-police-object-to-proposed-plea-deal-for-woman-accused-of-killing-8-year-old-girl-1.7629354.

[2] See attached transcript, prepared by TurboScribe.ai. See also: CTV News, "Full news conference: Edmonton Police Service reacts to manslaughter plea in child's death" (10 September 2025) online: https://www.youtube.com/watch?v=2NHu8XmGjRw at 12:55.

[3] The attached transcript was prepared by TurboScribe.ai.

[4] Madeline Smith, "Woman pleads guilty to manslaughter in 2023 death of 8-year-old girl", *CBC News* (10 September, 2025), online: <https://www.cbc.ca/news>

[5] See, for example: Jonny Wakefield, "Current, ex-prosecutors express alarm over Edmonton police intervention in plea agreement" *Edmonton Journal* (12 September 2025) online: https://ca.news.yahoo.com/current-ex-prosecutors-express-alarm-120026953.html; Madeline Smith, "Legal groups take issue with Edmonton police calling for intervention in plea agreement" *CBC News* (16 September 2025) online: https://www.cbc.ca/news/canada/edmonton/edmonton-plea-deal-police-1.7634783.

[6] Madeline Smith, "Q&A: Edmonton police Chief Warren Driechel says he doesn't regret public criticism of plea deal", *CBC News* (02 January 2026), online: <https://www.cbc.ca/news>

in *R v Rattlesnake*.[7] The written decision was published on March 3, 2026. The Crown accepted the guilty plea of the accused to manslaughter. There was no joint submission on sentence; the applicable sentence was contested. Justice Fraser, in his written decision, ordered an 8-year custodial sentence.

Justice Fraser made specific note of the conduct of Hankewich and the Edmonton Police Service in his decision[8]:

> "[18] I find the actions of the Edmonton Police Service to be reprehensible. **The veiled threat that they may release more information about this matter if they are not happy about the sentence I impose comes dangerously close, and may actually cross the line, into an attempt to wilfully obstruct, pervert, or defeat the course of justice in a judicial proceeding. I see little difference between the actions of Ms. Hankewich and those of former Alberta Justice Minister Kaycee Madu.**
> [19] I am at a loss as to how this action conforms with the motto that every uniformed officer wears on his or her shoulder, "Integrity, Courage, Community". This action shows no integrity.
> [20] In Canada, it has long been recognized that the police and the Crown Prosecution Service are separate entities. When that separation is not present, miscarriages of justice can happen.
> [21] Although it is not usually my practice when giving a decision from the Bench, I am going to read a lengthy quote from ***R v Regan***, 2002 SCC 12, starting at para 66 that explains the importance of the separation:
>
> > The need for a separation between police and Crown functions has been reiterated in reports inquiring into miscarriages of justice which have sent innocent men to jail in Canada. The *Royal Commission on the Donald Marshall, Jr., Prosecution*, vol. 1, *Findings and Recommendations* (1989) ("Marshall Report") speaks of the Crown's duty this way: "In addition to being accountable to the Attorney General for the performance of their duties, Crown prosecutors are accountable to the courts and the public. In that sense, the Crown prosecutor occupies what has sometimes been characterized as a quasi-judicial office, a unique position in our Anglo-Canadian legal tradition" (pp. 227-28). The Marshall Report emphasizes that this role must remain distinct from (while still cooperative with) that of the police (at p. 232):
> >
> > We recognize that cooperative and effective consultation between the police and the Crown is also essential to the proper administration of justice. But under our system, the policing function - that of investigation and law enforcement – is distinct from the prosecuting function. We believe the maintenance of a distinct line between these two functions is essential to the proper administration of justice.
>
> [22] Continuing in ***Regan***, Justice Lebel goes on to state at paragraph 87 that:
> ...The expectation is that both the police and the Crown will act according to their

[7] *R v Rattlesnake*, 2026 ABKB 150 at para 18. [*Rattlesnake*]
[8] *Ibid* at paras 18—23.

 distinct roles in the process, investigating allegations of criminal behaviour, and assessing the

> public interest in prosecuting, respectively....
>
> [23] I urge the senior members of the Edmonton Police Service to read ***Regan***, and the Marshall report. Hopefully it will remind them of the role they play in the justice system and the reason a separation between the police and prosecution is required." [Emphasis added]

Justice Fraser held that this threat did not impact his ability to make his decision. He held that the actions of the EPS merited a reduction in sentence from 9 years to 8 years[9]:

> "[24] I can assure everyone present today, and everyone involved in this case, and everyone who has an interest in this case, that I make my sentencing decision without any fear of the Edmonton Police Service's possible actions. However, I do find that their actions go so far beyond what is acceptable conduct by the police service that it should be considered at least a somewhat mitigating factor on sentence.
> …
> [36] I find that considering all the circumstances of this case, the appropriate range of sentence would be 12 to 15 years in custody. I make this finding using R v MB, 2015 ABQB 156 and using the range from R v Choy, 2013 ABCA 334. In MB, a sentence of 15 years was found appropriate. In Choy, a range of 12-16 years was found to be appropriate.
> [37] I am prepared to use the low end of that range in deciding on an appropriate sentence for Ms. Rattlesnake. I do so because I find that the facts of this case, although horrendous, are not as heinous as those of MB or Choy, although they are close.
> [38] Using that range, I then must give Ms. Rattlesnake credit for her guilty plea. Although the plea came almost 30 months after she was arrested, I am prepared to find that it was an early guilty plea. I also find it to be considerably mitigating because there were triable issues, a possible Jordan issue, and due to the considerable Court time saved.
> [39] I find that a reduction of 25% would be appropriate in this case.
> [40] I am also prepared to find that the public attention on this case caused by the actions of the Edmonton Police Service create collateral consequences for Ms. Rattlesnake that should result in a reduction in her sentence.
> [41] When I consider the unique circumstances of Ms. Rattlesnake along with the aggravating and mitigating factors as I have found them, I find that eight years in custody is an appropriate sentence for Ms. Rattlesnake."

Justice Fraser held that the appropriate sentence for Ms. Rattlesnake was 12 years. He then gave Ms. Rattlesnake credit for her mitigating factors at a factor of 25%, bringing the sentence to 9 years. Then, he considered the actions of the Edmonton Police Service and their collateral consequences for Ms. Rattlesnake and found that EPS's conduct merited a reduction in sentence. Accordingly, he reduced the sentence by one more year to 8 years.

The Edmonton Police Service issued a response after the oral decision was issued, noting that they

[9] *Rattlesnake, supra* note 6 at paras 24 & 36—41.

 had not yet decided whether to act on their threat to release information[10]:

> "The EPS plans to take time to review the outcome of the sentencing hearing and connect with Nina's family before taking any further action"

Legal Issues

The Letter and public statements of Hankewich and Driechel offend four provisions of the *Criminal Code*.[11] First, the published statements amount to obstruction of justice, contrary to section 139(2) of the *Code*. Second, the statements amount to intimidation of a justice system participant, contrary to section 423.1(1)(b) of the *Code*. Third, the statements amount to extortion, contrary to section 346(1) of the *Code*. Fourth, Hankewich and Driechel conspired to commit the offences in question, contrary to section 465(1(c) of the *Code*.

Driechel is a party to the above alleged offences and should be investigated as such. The *Code* provides that anyone who "does…anything for the purpose of aiding any person to commit" an offence is a party to it.[12] Aiding in the commission of an offence arises by any conduct that assists or helps the principal in committing the offence. The accused must know that the principal intends to commit the offence in question and must intend to aid the principal in doing so.[13]

Driechel assisted Hankewich in the commission of the following offences. The plain language of the Letter is obstructive, intimidating, and extortive. Driechel assisted in the unlawful conduct of Hankewich by attaching his name and signature to his letter and forwarding the Letter to ADM Goddard and the Minister of Justice.

It should be borne in mind that Hankewich was formerly a criminal defence lawyer and Crown prosecutor.

<u>Conduct amounting to obstruction of justice</u>

The conduct of Hankewich and Driechel sought to obstruct the proper administration of justice. Any act that tends to obstruct the course of justice runs afoul of section 139(2).[14] The threat provides the basis for the specific intent to cause that obstruction.

Hankewich and Driechel chose to publicize an otherwise private disagreement between the Edmonton Police Service and the Crown Prosecution Service. They did so to interfere in a plea agreement or negotiations between the accused and the Crown. They threatened to publicize the otherwise private and confidential information contained within the police investigation to damage public confidence in the Crown Prosecution Service, if their demands were not met.

This conduct is obstructive because it seeks to interfere in the exercise of prosecutorial discretion. The Crown Prosecution Service exercises its discretion independent of parties outside that Service.

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[10] Karen Bartko, "Family outraged at manslaughter sentence in girl's death that prompted Edmonton police letter" *Global News* (27 February 2026) online: < https://globalnews.ca/news>.
[11] RSC 1985, c C-46. [*Code*]
[12] *Ibid*, at s 21(1)(b).
[13] *R v Briscoe*, 2010 SCC 13 at paras 16—17.
[14] *R. v. Robinson*, 2012 BCSC 430 at para 21.

Such independence is essential to the proper administration of justice. As noted by the Supreme Court of Canada in *Krieger v Law Society of Alberta*[15]:

> "The quasi-judicial function of the Attorney General **cannot be subjected to interference from parties who are not as competent to consider the various factors involved in making a decision to prosecute.** To subject such decisions to political interference, or to judicial supervision, could erode the integrity of our system of prosecution." [Emphasis added]

This crucial independence is protected, in part, by section 139(2) of the *Code*, which makes a crime of any attempted or actual interference with the proper administration of justice. The exercise of prosecutorial discretion is fundamental to the proper administration of justice. Interference or attempts to interfere with that discretion fall squarely within the offence of obstruction and ought to be treated as such.

Coincidentally, it is now known that the guilty plea to manslaughter and eight-year sentence was not, in Hankewich's words, "a significant miscarriage of justice" or a matter of "shock and horror". It is trite law that the police are not equipped nor competent to assess the appropriateness of any exercise of prosecutorial discretion.[16] With the knowledge that the appropriate sentence in *Rattlesnake* was, but for the conduct of the EPS, nine years[17], Hankewich and Driechel egregiously misjudged and misstated the appropriate course of justice.

Hankewich and Driechel attempted to obstruct the proper administration of justice by threatening the Crown Prosecution Service and demanding a repudiation of a plea agreement. I request that their conduct be investigated accordingly.

<u>Conduct amounting to intimidation</u>

The letters of Hankewich and Driechel and their public statements sought to intimidate justice system participants involved in *Rattlesnake*. Criminal intimidation of a justice system participant occurs where a person takes acts without lawful authority, targeting a justice system participant, and intending to impede the performance of the justice participant's duties and invoke a state of fear.[18] The Letter and public statements did all of these things, targeting the Edmonton Crown Prosecution Service, the assigned Crown Prosecutor, and ADM Goddard. The Letter threatens action: "If this plea agreement is allowed to go through". This issues a threat against the Crown as a participant in the justice system. Further, the threat was perceived by Justice Fraser as targeting his role in the process.

No lawful authority permits Hankewich or Driechel to make a threat against justice system participants. The letters are addressed to ADM Goddard, and they constitute a threat against the Crown Prosecution Service. The threat is a direct attack on the integrity and independence of the

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[15] *Krieger v. Law Society of Alberta*, 2002 SCC 65 at para 32. [*Krieger*]
[16] *Ibid*. See also *R v Regan*, 2002 SCC 12 at para 159.
[17] *Rattlesnake, supra* note 6 at paras 36—41.
[18] *Re Boisjoli*, 2015 ABQB 629 at para 65.

 Alberta Crown Prosecution Service and the individual prosecutor assigned to *Rattlesnake*. Their threat to release information goes beyond lawful criticism and seeks to intimidate the individual prosecutors into revoking and influencing their independent decision.

Justice Fraser understood the attempted intimidation and fear of retaliation in the *Rattlesnake* decision. The threat was perceived by Justice Fraser as a threat to his judicial independence. Hankewich and Driechel communicated the consequences of deciding on the appropriate sentence. Justice Fraser perceived this as a threat to his decision-making power and felt it necessary to assure the public that he made his "sentencing decision without any fear of the Edmonton Police Service's possible actions.".[19] This should have been foreseeable to Hankewich and Driechel.

Accordingly, Hankewich and Driechel must be investigated for their efforts to intimidate justice system participants involved in the *Rattlesnake* matter.

Conduct amounting to extortion

The letters and public statements constitute extortive conduct. They issued a threat to the Crown Prosecution Service. No reasonable excuse or justification exists for this threat.

The letters and public statements threatened to undermine and erode public confidence in the Crown Prosecution Service. The Letter and public statements threatened that, if the Crown Prosecution Service and ADM Goddard did not comply with their request, the Edmonton Police Service would release confidential information about the *Rattlesnake* matter. Hankewich said this disclosure would allow the public to assess whether the prosecution and plea agreement were conducted appropriately.

As stated above, neither the police nor the public are competent in assessing the appropriateness of the exercise of prosecutorial discretion. Per *Krieger*, the functions of the Crown's office cannot be "subjected to interference from parties who are not as competent".[20] Threatening to subject the Crown prosecutor's decision to the influence of both the Edmonton Police Service and the public is a threat to interfere with the individual exercise of prosecutorial discretion and the administration of justice writ large. Such a threat must not be taken lightly.

Hankewich and Driechel sought a specific result in making the threat. They sought more than a decision to revoke a plea deal; they sought a prosecution that aligned with the Edmonton Police Service's assessment of the moral culpability of the accused. In the opinion of Hankewich and Driechel, the alleged plea deal constituted a "significant miscarriage of justice" to which they reacted with "shock and horror". They threatened to undermine the fundamental independence of the Crown Prosecution Service to achieve their goal.

No reasonable justification or excuse exists for this conduct. Hankewich and Driechel did not simply request that ADM Goddard review and assess the Crown's decision.[21] A request alone, which some may consider improper, does not attract criminal liability. However, the threat to undermine the

[19] *Rattlesnake, supra* note 6 at para 24.
[20] *Krieger, supra* note 14.
[21] *R v Nixon*, 2011 SCC 34.

 decision itself and public confidence in the Crown Prosecution Service attracts criminal liability. Such a threat is extortive in nature, contrary to the *Code*, and should be investigated accordingly.

Conspiracy to Commit a Criminal Offence

Hankewich and Driechel conspired to commit the aforementioned offences, contrary to section 465(1)(c) of the *Code*. Both Hankewich and Driechel came to an agreement to issue the Letter and did so jointly. That Letter, as outlined above, constitutes obstructive, intimidating, and extortive conduct, contrary to the *Code*.

Criminal conspiracy arises where two or more parties agree to pursue an unlawful act. Simply put, the "essence of criminal conspiracy is proof of agreement".[22] The following elements must be present to prove conspiracy[23]:

1. Whether, beyond a reasonable doubt, the conspiracy exists;
2. Whether, on balance, the accused was a member of the conspiracy; and
3. Whether, having considered all the evidence including hearsay evidence, the accused is guilty beyond a reasonable doubt of being a member of the conspiracy.

The Letter and media conference provides a sufficient basis to investigate Hankewich and Driechel for conspiracy. The Letter is signed by Hankewich and distributed by Driechel. As outlined above, the content of the Letter and the subsequent public statements constitute obstruction, intimidation, and extortion. Both parties issued the Letter jointly, and it may be the case that the publication of the Letter was agreed upon; in essence, Hankewich and Driechel had knowledge of a common goal and agreement to achieve that goal. An agreement to achieve an unlawful goal is contrary to section 465(1)(c) of the *Code*. The conduct of Hankewich and Driechel conduct should be investigated accordingly.

Nature of Complaint

This criminal complaint is brought against Megan Hankewich and Chief Warren Driechel. So far as I know, the conduct specified herein is not being reviewed or investigated by the Police Review Commission or any other law enforcement entity.

I request that this complaint be referred to the Police Review Commission (PRC) for investigation. The PRC is responsible for complaints of criminal conduct of police officers in Alberta. Hankewich and Driechel acted together to effect the intentions of the Edmonton Police Service. The conduct in question constitutes conduct by the Edmonton Police Service and is accordingly reviewable by the PRC. I also note that this conduct is of a "serious or sensitive nature" and I invoke section 42.2 of the *Police Act*.[24]

Further, due to a conflict of interest and reasonable apprehension of bias, I request that this matter be

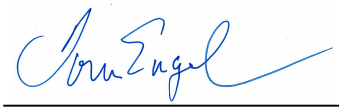
[22] *Papalia v. R.*, 1979 CanLII 38 (SCC), [1979] 2 SCR 256 at p. 276.
[23] *R v Carter*, 1982 CanLII 35 (SCC), [1982] 1 SCR 938.
[24] RSA 2000, c P-17.

referred, upon completion of the investigation, to an out-of-province Attorney General. This complaint is made against the EPS Chief and their senior in-house counsel. Their conduct was endorsed by the Premier. Alberta's current Deputy Minister, Executive Council, is Dale McFee, former chief of the Edmonton Police Service. Mr. McFee promoted Driechel and recommended his appointment as Chief. He also promoted Hankewich, who was his in-house lawyer. It is my information that Mr. McFee works very closely with Cabinet and very closely with key Ministers and the Premier.

I look forward to hearing from you.

Yours truly,

ENGEL LAW OFFICE

Per: 

Thomas M. Engel
TME
Encls.
C. Criminal Trial Lawyers' Association via email