

Lawyers flustered by delays in Myles-Leger case

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Lawyers representing the owners and comptroller of a construction company charged with fraud want to know what's taking so long to get the case going.



Provincial court in St. John's. — File photo

When the case of Myles-Leger was called in provincial court in

St. John's Wednesday, Stan McDonald, Bob Simmonds and Randy Piercey all voiced their concern about how slowly they are getting police evidence on the case.

And the disclosure they have received, they say, is not easily accessible.

McDonald — a Halifax lawyer who represents the company's co-owner William Leger Clarke — told the judge that the evidence they have received includes 48,000 pages in electronic form.

He said he and co-counsel Geoff Budden of St. John's have had to get help from an expert to retrieve the information, as it's in a format that's difficult to access.

"We're only now in a position

to start reviewing it," McDonald said.

"It's not that we're not computer savvy. We didn't know how to review the disclosure."

Simmonds' client is the company's other owner, Clarke's brother, Randell Myles Clarke.

Case will return to court Sept. 9

Simmonds was surprised to hear the RCMP is still interviewing witnesses in the case 8 1/2 years after the investigation began. He said officers recently conducted a 4 1/2-hour interview with a key witness.

"So, is the investigation concluded? ..." asked Simmonds, who noted the problems were not with the Crown's office.

"These delays are problematic. One witness is dead and it doesn't look like all the disclosure is in."

Piercey — lawyer for Terrence M. Reardon, Myles-Leger's former comptroller — also spoke up in court.

"My client is being prejudice by the delays," Piercey said. "It's costing him money every time we come down here (to court)."

Prosecutor Tannis King said it's an issue they can address with the RCMP. She said if lawyers believe their clients are being prejudice, they can file a Charter application.

The lawyers, as wells as Judge David Orr, agreed to have the case return to court Sept. 9 for an update.

Randall Clarke, 53, William Clarke, 54, and Reardon, 52, each face 38 counts of fraud over \$1,000, as well as a charge of conspiracy to commit an indictable offence.

William J. Parsons, a former Mount Pearl lawyer who has since been disbarred, also faces similar charges in connection with the case. The 60-year-old, who is represented by Arnold Hussey, is scheduled back in court Aug. 13.

The charges against the four men relate to fraudulent activity covering a period from January 2000 to May 2004.

The RCMP's Commercial Crime Section laid charges in late 2012 after a lengthy fraud investigation, which began in 2005 and looked into the company's real estate deals and mortgages.

Myles-Leger Ltd. is a construction company that operated in the city of St. John's. The company — which declared bankruptcy in 2004 — was involved in the development and construction of residential subdivisions and condominiums.

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