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Legal battle ends for journalist charged after covering Muskrat Falls protest

By Staff • The Canadian Press

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The construction site of the hydroelectric facility at Muskrat Falls, N.L., is seen on Tuesday, July 14, 2015. **THE CANADIAN PRESS/Andrew Vaughan**



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A criminal mischief charge has been dismissed against a journalist who was covering an Indigenous-led occupation at the [Muskrat Falls](#) work site in Labrador nearly four years ago.

A Crown lawyer told a Newfoundland and Labrador provincial court judge Tuesday that evidence would not be called in Justin Brake's case, which his lawyer Geoff Budden said was set for trial in July.

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It marks the end of a years-long legal battle for Brake, who faced civil and criminal charges after he entered the Muskrat Falls site in October 2016.

People had entered the site to protest potential contamination of wild foods once the land was flooded for a reservoir, and Brake was reporting on the event for online news outlet The Independent.

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Justin Brake
@JustinBrakeNews

This morning the crown informed an NL Provincial Court Judge that it did not wish to submit evidence in my case, bringing an end to an almost four-year-long legal saga that arose from my coverage of the 2016 Indigenous-led occupation of [#MuskratFalls](#) in Labrador. 1/x

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He was later charged with civil and criminal contempt of a court-ordered

injunction and with criminal mischief over \$5,000 for alleged financial losses to the project.

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In March 2019, provincial Appeal Court Justice Derek Green dismissed the civil charge, writing in his decision that Brake had established himself as a journalist and his actions did not fall within the injunction's scope.

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Green's written decision also addressed the "vital" importance of press freedom when covering Indigenous-led land protests.

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After Green’s decision, the Crown dropped the criminal contempt charge but had planned to continue with the criminal mischief charge until reversing course this week.

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Budden said the result was a relief for Brake after years battling the charges.

He said the Crown came to the right decision by concluding it was not in the interest of justice to proceed with a trial that would have taken up court time and other resources.

“It’s really in the interest of everyone, not just our client but of the community generally, that it was dealt with in the way it was today,” Budden said Tuesday.

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