

CANADA / JUDGMENT

HMTQ v. Dupras

2000 BCSC 1128

COURT

Supreme Court of British Columbia

DECIDED

21 July 2000

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

Source record

S00-1128 HTMQ v. Dupras

Citation: HMTQ v. Dupras

Date: 20000721
2000 BCSC 1128Docket: 20978
Registry: Dawson Creek
IN THE SUPREME COURT OF BRITISH COLUMBIA
HER MAJESTY THE QUEEN
AGAINST
RAYMOND ALBERT DUPRAS

REASONS FOR JUDGMENT

OF THE

HONOURABLE MADAM JUSTICE SATANOVE

(RULING ON VOIR DIRE)

Counsel for the Crown:

K. S. Blocka and

E.M. Rennie

Counsel for the Accused:

D. McLeod

Dates and Place of Trial:

July 4th & 5th, 2000

Dawson Creek, BC

- [1] At the outset of this trial, the Crown sought rulings on the admissibility of certain evidence.
- [2] I held that verbal statements made by the accused to Corporal Nezan on May 21, 1999 were admissible as voluntary and not in breach of the accused's chartered rights. I gave oral reasons for this ruling.
- [3] I also held that evidence of a prior assault by the accused upon his estranged wife, Doreen Dupras, on November 9, 1999, was inadmissible and that statements by Doreen Dupras and Paul Trevisanutto concerning this prior assault were inadmissible for any purpose. Finally, I held that evidence of threats by the accused against Doreen Dupras made on May 4, 1999 were admissible.
- [4] In the interests of time I did not give my reasons for those rulings and advised I would do so in due course.

November 9, 1998 Assault:

- [5] According to the statements of the deceased victims made shortly after the November 9, 1998 incident, there had been an altercation during which the accused attempted to pull Doreen Dupras into his truck.
- [6] According to the police evidence, the accused pleaded guilty the next day to assault simpliciter of Doreen Dupras and he was put on probation.
- [7] I was told that since this incident in January or February 1999 there was an attempt by Doreen Dupras and the accused to reconcile. They went to Mexico and Edmonton for about three weeks. Shortly after they returned the reconciliation attempt was discontinued.
- [8] I was also told by defence counsel that the accused had met another woman and was in a happy relationship with her as at May 1999.
- [9] Crown Counsel conceded that this evidence showed the accused to be of bad character, which is usually inadmissible but submitted that bad character evidence could be admissible if it were used for another legitimate purpose. She submitted that the evidence went to state of mind, motive and understanding the relationship between the accused and his victims. She further submitted that the statements of Doreen Dupras and Paul Trevisanutto could be admitted for the truth of their contents because they met the criteria of necessity and reliability.
- [10] The test whether to admit evidence of past discreditable conduct was succinctly set out by our Court of Appeal in *Regina v. King* (1998), 112 (B.C.C.A.) 247. The evidence must be:
 - 1. relevant to an issue in the case; and
 - 2. its probative value must exceed its prejudicial effect.

- [11] Evidence of an expression of malice, animosity or murderous intent on a previous occasion was clearly relevant to a charge of second-degree murder (*Regina v. Truong* (2000), (B.C.C.A.) 116). However, when weighing its probative value against its prejudicial effect, such evidence had to be placed in context.
- [12] The November incident was nearly seven months before the commission of the offence on May 20, 1999. There were a number of intervening events, particularly the attempt at reconciliation and the relationship between the accused and Julia McKay. The nexus between the November incident and the May 20 event seemed tenuous to me. The Crown could not show a continuing animus. Keeping in mind that there was no issue of identity here, the evidence of threats and statements made closer to the time of the homicides had much more probative relevance to the single issue in this case, which was the accused's intention at the time he killed his victims.
- [13] On the other hand, the prejudicial effect to the accused could have been significant. It was not only discreditable conduct on the part of the accused, it was criminal conduct. Most significantly, I agreed with defence counsel that there was a very grave danger that a jury might infer that because the accused had the general intent to assault Doreen Dupras while she was with Paul Trevisanutto in November 1998, the accused must have had the specific intent to murder them in May 1999.
- [14] Accordingly, I found that the statements of Doreen Dupras and Paul Trevisanutto of November 1998 and the other evidence relating to the assault should not be admitted into evidence at the trial. I did not need to consider the necessity or reliability of the statements of the deceased persons, because I found the prejudicial value outweighed the probative value.

May 4, 1999 Threat:

- [15] The statements of Leone Kaiser (Walsh) and Ryan Dupras indicated that on or about this date, Doreen Dupras had gone out of town for a few days with Paul Trevisanutto without telling the accused. She had left their then 12-year-old son with the accused without his prior knowledge or consent. The accused was very angry when he found out. He phoned Ms Kaiser, Doreen Dupras' sister in Fraser Lake, to see if Doreen Dupras was there or was expected to arrive there. The accused was swearing over the phone and threatened to kill Doreen Dupras. Ryan later told his mother, who later told the police, who served the accused with an order restraining him from contact with either Doreen Dupras or Paul Trevisanutto.
- [16] The statements of Claude Dufresne and Terry Benoit indicated that the accused discussed the above incident with them. He was remorseful but bitter. He told Mr. Benoit if he was going to be charged with verbal abuse of Doreen Dupras, he should give her something else, or a better reason, to charge him with.

- [17] I applied the same reasoning with respect to the evidence of the May incident as I had to the November incident, but the result was different. In the case of the May statements, there was a sufficiently close nexus to the expressions of animosity and the actus reas that gave the May statements substantive probative value. In addition, the fact of the recent restraining order and the breach of it by the accused on May 20, was all circumstantial evidence of his intention on that fateful day.
- [18] I recognized the prejudicial effect of the evidence showing the accused's discreditable conduct, but I was of the view that in this instance it was outweighed by the significant probative value of the evidence.
- [19] Therefore, I admitted the evidence of statements by the accused in May 1999 and the evidence of the surrounding circumstances in its entirety.

"D.A. Satanove, J."

The Honourable Madam Justice D.A. Satanove

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/00/11/s00-1128.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/hmtq-v-dupras-2000>

Prepared on 27 October 2026 · Esheria