

CANADA / JUDGMENT

R. v. Alkhalil

2019 BCSC 1635

COURT

Supreme Court of British Columbia

DECIDED

10 September 2019

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2019 BCSC 1635 R. v. Alkhalil IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Alkhalil, 2019 BCSC 1635 Date: 20190910 Docket: 27393-44 Registry: Vancouver Regina v. Rabih Alkhalil also known as Robby Alkhalil Dean Michael Wiwchar Larry Ronald Amero Restriction on Publication: A publication ban has been mandatorily imposed under s. 648(1) of the Criminal Code of Canada, restricting the publication, broadcasting or transmission in any way of any portion of the trial at which the jury is not present. This publication ban applies until the jury retires to consider its verdict. Before: The Honourable Madam Justice Maisonville Oral Ruling #4 - Application of BCSC Criminal Practice Direction: Complex Criminal Cases (CPD-3) to the Voir Dire respecting the Applicability of Agreed Statement of Facts and Admissions in Other Proceedings Counsel for the Crown: D.A. Jardine, Q.C. A. La Bar Counsel for the Accused, Rabih Alkhalil: R.S. Fowler, Q.C. K.A. Blok Counsel for the Accused, Dean Michael Wiwchar: S.R.A. Buck A.L. Dorin Counsel for the Accused, Larry Ronald Amero: R.M. Rock Place and Date of Trial/ Hearing: Vancouver, B.C. September 10, 2019 Place and Date of Ruling: Vancouver, B.C. September 10, 2019

- [1] THE COURT: I do not want to prolong this matter. I am mindful of the submissions of counsel and am grateful for their books of authority, as well as for their detailed arguments.
- [2] I am going to order that the Crown comply with the British Columbia Supreme Court Criminal Practice Direction: Complex Criminal Cases (CPD-3) as follows.
- [3] The notice of application should specify exactly which admissions are signed by and as against which accused, as well as the purpose for which they are made. I appreciate that, Mr. Jardine, you submitted just now that the admissions are for the second branch of s. 24(2). However, if you set out that purpose in the notice of application, that would be helpful, and I am directing you to do so.
- [4] As well, I appreciate that the Crown has set out a number of arguments and that the analysis may be the same, but these arguments should be set out in each notice of application.

- [5] Further, the Crown should set out the admissions that the Crown intends to rely upon and what proof is required. If it is the Crown's position that there is no proof required as a consequence of the differing laws from British Columbia to Ontario, that position should be set out in the notice of application. It should be made absolutely clear as to the purpose for which the admission is being sought, such as for the voir dire sequence or for its possible use at trial. "Maisonville J."
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Prepared on 26 October 2026 · Esheria