

CANADA / JUDGMENT

R. v. Alkhalil

2022 BCSC 1518

COURT

Supreme Court of British Columbia

DECIDED

29 August 2022

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2022 BCSC 1518 R. v. Alkhalil IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Alkhalil, 2022 BCSC 1518 Date: 20220829 Docket: 27393-171 Registry: Vancouver Regina v. Rabih Alkhalil also known as Robby Alkhalil and 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 Ruling re Application No. 171 - Amero Application to Reopen Application 169 re Mistrial and Severance Counsel for the Crown: M. Sheardown S. Dworkin N. Gregoire A. Cochrane D. Darby A. LaBar Counsel for the Accused, Rabih Alkhalil (a.k.a. Robby Alkhalil): Counsel for the Accused, Larry Ronald Amero: M.A. Rock J. Oppal Place and Dates of Trial/Hearing: Vancouver, B.C. August 16 and 21, 2022 Place and Date of Judgment with Reasons to follow: Vancouver, B.C. August 22, 2022 Place and Date of Written Reasons: Vancouver, B.C. August 29, 2022

introduction

- [1] The applicant, Larry Amero, applied to reopen notice of application 169, which denied severance in respect of Mr. Amero from the proceedings against Mr. Alkhalil.
- [2] He adopts and reiterates all of the arguments previously presented in notices of application 169 and 170.
- [3] The basis for his application is the fact that Mr. Alkhalil's defence withdrew from this matter a week after giving its closing arguments.
- [4] On August 22, 2022, I dismissed the application with reasons to follow. These are those reasons.
- [5] Mr. Amero submits that the jury will come to the conclusion that counsel for Mr. Alkhalil, namely, Mr. Fowler, Ms. Blok, and Ms. Tolliday, did not withdraw as counsel for Mr. Alkhalil because he has absconded, but for other reasons.

- [6] Mr. Amero submits that certain inferences would be drawn from the fact of their withdrawal and that no jury instruction can be capable of ensuring that their withdrawal was for some reason, including that there is an admission of guilt in that fact.
- [7] The jury will be instructed to make nothing of the fact that Mr. Fowler, Ms. Blok, and Ms. Tolliday have withdrawn as counsel for Mr. Alkhalil from this matter.
- [8] I dismiss Mr. Amero's application and find that this can be the subject of instructions to the jury not to draw anything from it.
- [9] Mr. Alkhalil's counsel were present for all charge discussions up until August 12, 2022, and provided extensive written comments and suggested wording regarding aspects of the charge relating to Mr. Alkhalil. The withdrawal of Mr. Alkhalil's counsel does not prejudice Mr. Amero's ability to provide comments on the charge to the jury with respect to any part of that charge that affects Mr. Amero's interests. Mr. Amero has multiple capable counsel who can provide that input to the court.
- [10] Counsel for Mr. Amero draws attention to the fact that Mr. Alkhalil's counsel were involved in ongoing discussions regarding three specific aspects of the charge at the time of their withdrawal: Browne v. Dunn issues arising out of the cross-examination of Reuben Vivar, an instruction regarding expert evidence, and instruction regarding missing exhibits. Counsel have been provided with an opportunity to provide their input on these three issues and the court has already incorporated that input into the current draft jury charge.
- [11] Accordingly, this application is dismissed. "Maisonville J."

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Prepared on 28 October 2026 · Esheria