

CANADA / JUDGMENT

R. v. Belcourt

2012 BCSC 2150

COURT

Supreme Court of British Columbia

DECIDED

1 February 2012

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2012 BCSC 2150 R. v. Belcourt IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Belcourt, 2012 BCSC 2150 Date: 20120201 Docket: 149245-4 Registry: Victoria Regina v. Andrew Belcourt Samuel McGrath Before: The Honourable Mr. Justice Macaulay Oral Ruling Number 4 Re Disclosure Counsel for the Crown: P. Juk, Q.C. P. Weir Counsel for the Accused Belcourt: T. Russell Counsel for the Accused McGrath: M. Munro Place and Date of Hearing: Victoria, B.C. January 27 and 31, 2012 Place and Date of Ruling: Victoria, B.C. February 1, 2012

- [1] THE COURT: This is the fourth in a series of rulings respecting the Crown's disclosure obligation and relates to redactions made under Category V3. The Crown contends that the V3 redactions were necessary to withhold information about unrelated ongoing police investigations. Public interest privilege may apply to such information on a case-by-case basis.
- [2] I received from the Crown the affidavit of Margo Downey, an RCMP officer, sworn on January 19, 2012, along with unredacted versions of the various documents at issue. The accused only received redacted copies of the documents and the Downey affidavit.
- [3] I am satisfied that the Downey affidavit adequately identifies and describes the various investigations that the Crown says are unrelated. The redactions to the copies of the affidavit that were provided to the defence did not extend beyond what was necessary to avoid disclosing information about the investigations. Similarly, I am satisfied that the redactions made to the documents related to the investigations identified in the unredacted affidavit are not over inclusive.
- [4] In considering the issues, I have considered and applied the law as set out in R. v. Meukon (1990), 57 C.C.C. (3d) 193, and, more recently, in R. v. Trang (2002), 168 C.C.C. (3d) 145, at paragraphs 52-53.
- [5] During the course of submissions, the Crown advised, and I accept, that none of the information still at issue relates to holdback evidence on the present matter. In my view, releasing the information would not affect the outcome of the charges against the accused. Accordingly, I uphold the claims of public interest privilege and decline to order the release of any of the redacted information. "M.D. Macaulay, J." The Honourable Mr. Justice

Macaulay

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