

CANADA / JUDGMENT

R. v. Doczi

2020 BCSC 951

COURT

Supreme Court of British Columbia

DECIDED

27 May 2020

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2020 BCSC 951 R. v. Doczi IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Doczi, 2020 BCSC 951 Date: 20200527 Docket: 29624W Registry: Vancouver Regina v. Paul Joseph Doczi Before: The Honourable Mr. Justice Myers Oral Reasons for Judgment Counsel for the Crown, appearing by teleconference: J.L. Horneland Counsel for the Accused, appearing by teleconference: B. Movassaghi Place and Date of Hearing: Vancouver, B.C. May 27, 2020 Place and Date of Judgment: Vancouver, B.C. May 27, 2020

- [1] THE COURT: This is being heard under the COVID-19 request for urgent hearing procedure. Due to the COVID-19 emergency situation, this hearing is being done by a combination of video and telephone conference pursuant to s. 715.26 of the Criminal Code (R.S.C., 1985, c. C-46).
- [2] The issue that has been set before me under the Request for Urgent hearing process is whether Mr. Doczi is entitled to a s. 525 hearing. If so, that would be done at a future hearing.
- [3] Mr. Doczi had a s. 525 review hearing on November 19, 2019. Justice Weatherill determined that Mr. Doczi's continued detention was necessary.
- [4] In R. v. Ibanez, 2020 BCSC 233, Justice Devlin held that an accused is not entitled to a series of successive reviews under s. 525. Mr. Doczi argues that the hearing in front of Weatherill J. ought to have been a bail hearing under s. 515(10) because his detention status had not yet been determined. This is so because in Provincial Court he had previously consented to be kept in custody.
- [5] That argument amounts to one that Weatherill J. was in error in hearing the matter under s. 525. Even if the argument had merit - and I do not say it does - I have no jurisdiction to hear an appeal of that decision.
- [6] Mr. Doczi relies on R. v. Honigman, 2020 BCSC 338, a decision handed down one day after Ibanez. In that case, Justice Crossin refused to release the accused but provided for a review hearing between 90-120 days after his decision. He stated the rationale for this:

- [14] The accused has recently retained new counsel. It may be that counsel will be able to have further discussions with the accused whereby a more substantial and substantive release plan can be devised that may satisfy the court that the significant risks associated with the release of the accused can be adequately addressed. Consequently, I am ordering that an additional or subsequent review hearing be scheduled to revisit the circumstances. This next review shall take place no less than 90 days from today's date but no more than 120 days hence.
- [7] As Crown points out that case is quite different than the one at bar. It was the judge hearing the s. 525 application who ordered the review at the initial s. 525 hearing. The jurisdiction to do this was specifically provided for in s. 525(4)(b), which was added as part of the amendments to the section in December 2019.
- [8] Mr. Doczi then argued that Crossin J. referred to the underlying policy rationale of s. 525 stressed by the Supreme Court in *R. v. Myers*, 2019 SCC 18, namely that of avoiding having an accused languish in custody while awaiting trial. However, that does not provide the court jurisdiction to do something it is not enabled to do under the Criminal Code. It is a factor to be taken into account when a judge hears a s. 525 application that he or she has jurisdiction to hear.
- [9] Further, that submission butts up against Ibanez. Mr. Doczi argues that the decisions are in conflict. I do not agree because they dealt with different situations.
- [10] I therefore conclude that Mr. Doczi is not entitled to a s. 525 hearing.
- [11] One day before this hearing, Mr. Doczi amended his notice of application to request a review under s. 515. Since Crown was not prepared to respond and that issue was not meant to be heard on this application when it was set, I will adjourn that motion generally. "E.M. Myers J."

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