

CANADA / JUDGMENT

R. v. Huber

2025 BCSC 2669

COURT

Supreme Court of British Columbia

DECIDED

16 July 2025

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2025 BCSC 2669 R. v. Huber IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Huber, 2025 BCSC 2669 Date: 20250716 Docket: 37817-1-W Registry: Vancouver Rex v. Arjen Jessy Alexander Huber Before: The Honourable Justice K.W. Ball Oral Reasons for Judgment Re: Bail Review Counsel for Crown: A. Linthorne Counsel for Accused: K. Chase Place and Date of Trial/Hearing: Penticton, B.C. July 16, 2025 Place and Date of Judgment: Penticton, B.C. July 16, 2025

- [1] THE COURT: This is an application pursuant to s. 525 of the Criminal Code, R.S.C. 1985, c. C-46, for review of the refusal to provide judicial interim release by the Honourable Judge Boblin for Mr. Huber.
- [2] He has been detained pursuant to Judge Boblin's order. Boblin, PCJ, at para. 7, set out the criminal record of this accused involving offences beginning in 2010 and continuing up to and including 2023. The most serious subsequent matter, that brings this matter to Court, is that on the 14 of January, 2025, at 2:40 in the morning, police were called to an apartment building where someone had broken into an occupied apartment, and a "battle royale" was going on. It was described as "blood everywhere".
- [3] Mr. Stark, a civilian, had seen an individual he did not know inside the apartment, and very shortly thereafter Mr. Stark heard glass breaking and a fight starting in unit 101 of that building. Mr. Stark entered the premises. A major window had been broken, and Mr. Huber was hiding in the apartment.
- [4] The apartment was occupied by Mr. Pahlavan and his family. They obviously had not given Mr. Huber consent to be in the premises. A very serious fight broke out with Mr. Pahlavan trying to take control of his premises. Mr. Huber kept complaining there was some guy outside with a gun, but that did not seem to prevent him from attacking Mr. Pahlavan, who had been sleeping up to that point. Mr. Pahlavan tried to get Mr. Huber out of his house and Mr. Huber responded by throwing a lamp, a table, and a heater at Mr. Pahlavan, the latter item caused a significant cut on Mr. Pahlavan's head.

- [5] Mr. Huber also threw a fish tank full of water and fish at Mr. Pahlavan, and then Mr. Huber, most unwisely, decided to try to go up the stairs to the next level where Mr. Pahlavan's wife and children had been sleeping prior to Mr. Huber's arrival. Mr. Pahlavan, of course, stopped that process and forced Mr. Huber away from the stairs and then forced him downstairs.
- [6] Mr. Stark pointed out Mr. Huber to the police when they arrived, and he was arrested and handcuffed. That did not stop things. Mr. Huber decided he would kick the police. He was hooking his feet into the stairs as they tried to take him out of the premises; it was what was described as "an intense physical struggle". Eventually, with that struggle going on, he was placed in an RCMP vehicle. He was subsequently searched and a small quantity of cocaine, a bag of cocaine and some pills, that were unidentified, were found. The police, who were in the process of giving him Charter warnings, concluded that he was probably unable to appreciate the warning, given the condition he was in, probably as a result of ingesting some substance.
- [7] Mr. Pahlavan had to be taken to the hospital where he had surgery. His wife, who was no doubt terrified by this process, had been awoken by something breaking. She heard the man say there was somebody outside with a gun. She went back upstairs and barricaded herself and her children into one room in the upstairs. She heard a lot of noise from the downstairs, of things breaking and loud thumping sounds. She heard a struggle on the stairs. Eventually, the police came and, with some effort, extracted Mr. Huber. So that is the state of affairs in January.
- [8] In February, Mr. Huber had a bail hearing before Judge Boblin in the Provincial Court. In a very clear set of reasons, against which no complaint has been made to my knowledge, Judge Boblin decided, on the secondary and tertiary grounds, that the risk that this accused posed to public safety was so grave that his detention would be required on the secondary ground and that the case on the tertiary ground was incredibly strong--that is, a case based on s. 515(10)(c) of the Criminal Code. Mr. Huber's detention was also necessary to maintain confidence in the administration of justice, having regard to the circumstances.
- [9] He had, for whatever reason, broken into and made a mess of a family's home, a family which, until he arrived, had been sleeping in the safety of their own home. I have to put "safety" in quotation marks.
- [10] Now, as I said, there was no complaint made about the decision of Judge Boblin and, as I said, her decision is clear.
- [11] A difference, I am told, in the proposed release program is that the grandparents of Mr. Huber propose a \$1,000 surety, but they are not going to serve as sureties to any other degree because they live in Greenwood, while he lives in Osoyoos.
- [12] THE ACCUSED: I live in Oliver, Your Honour.

- [13] THE COURT: Well, that is not what I was told.
- [14] THE ACCUSED: Sorry, that [indiscernible].
- [15] THE COURT: Anyway, you do not live in Greenwood.
- [16] THE ACCUSED: No, I do not live in Greenwood, Your Honour.
- [17] THE COURT: Thank you. And there are various other conditions that would be typical for bail in many other circumstances, but this is not a "many other circumstances" case. This is a case where I am satisfied that there has not been a sufficient demonstration that this accused can safely be relied upon, in effect, on his own recognizance. I appreciate electronic monitoring and other things are proposed, but truly this recognizance is a simple "get out of jail free card", and under the provisions of R. v. Abdel-Rahman, 2010 BCSC 189, I am not at all satisfied that this is a case where a simple curfew would suffice to protect the public.
- [18] Mr. Huber has, on his own, with counsel's assistance, made an application for an NCRMD finding in his favour. That application is not set for hearing until March 10, 2026, as I understand matters, and in effect, if I were to release him today, that would be granting that application. That is not something I am qualified or equipped to grant a release without hearing expert evidence, and no such evidence is before this Court.
- [19] The psychiatric report dated May 6, 2025, from the psychiatrist from the psychiatric facility has said Mr. Huber is not NCRMD. On that basis, there is simply no path to interfere with the order made by Judge Boblin, and I will not do so.
- [20] I am not satisfied that the public would be protected if Mr. Huber were released, given the fairly brief time since that serious incident. It took him, if I recall the submissions, something like 20 years of drug use to get to that stage. It is not going to take him nine months of resolve that issue.
- [21] THE ACCUSED: Your Honour, I haven't done any drugs. I've given up on drugs, Your Honour.
- [22] THE COURT: Yes. Sir, I am talking now.
- [23] THE ACCUSED: I have a two-year-old son at home that is waiting for me right now.
- [24] THE COURT: Turn the mic off, please.
- [25] THE ACCUSED: I have a two-year-old son -- baby boy waiting for me right now at home. I did not mean to do any of this. I had a bad drug problem.
- [26] THE CLERK: Sorry, Justice, it's not [indiscernible/overlapping speakers].
- [27] THE ACCUSED: I feel very terrible for doing it, like I had no means of doing it. I was scared for my life Your Honour. I did not mean for any of this to happen. I feel very bad about it.
- [28] CNSL K. CHASE: Mr. Huber.

[29] THE CLERK: Sorry, I don't have the option to [indiscernible].

[30] THE COURT: Can you just turn the volume down, just on the speaker?

[31] In any event, in the circumstances, I am not prepared to make an order under s. 525 releasing Mr. Huber, and I am dismissing his application. Thank you. "Ball, J."

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