

CANADA / JUDGMENT

R. v. Huynh

2001 BCSC 1688

COURT

Supreme Court of British Columbia

DECIDED

4 December 2001

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2001BCSC1688 Citation: H.M.T.Q. v. Huynh Date: 20011204 2001 BCSC 1688 Docket: CC010684
Registry: Vancouver IN THE SUPREME COURT OF BRITISH COLUMBIA HER MAJESTY THE
QUEEN AGAINST PHONG T. HUYNH REASONS FOR JUDGMENT OF THE HONOURABLE MR.
JUSTICE THACKRAY Counsel for the Crown: H.G. Loeppky Counsel for the Accused: S. Goldberg
Date and Place of Hearing: November 25, 2001 Vancouver, BC SEPARATE MICROPHONE AND
TRANSCRIPTION FOR THE TRANSLATOR

- [1] Counsel for Mr. Huynh applied to have a separate microphone installed in the courtroom for the trial. This would be to allow a transcription to be made of the translation as provided by the translator.
- [2] Mr. Goldberg, when asked as to why he was making the request, informed the Court it was so as to be able to, if necessary, verify the quality of the translation. The Court asked defence counsel as to precedents for this procedure. Mr. Goldberg said that in a criminal trial on which he was defence counsel it was so ordered by Mr. Justice Davies. Mr. Goldberg did not elaborate.
- [3] I spoke with Mr. Justice Davies. He informed me that the case was entitled R. v. Ansary. He sat on preliminary motions for some weeks before he made the order. During that time it became apparent that the matter of language skills was "at the top of the pyramid" regarding the trial issues. He therefore made the order but he put tight controls upon the security of the transcription tape and upon its potential use.
- [4] In the case at bar I have no information suggesting that the matter of language will be a significant issue in the trial. Indeed, no material was filed giving a foundation for the order requested.
- [5] The application is refused. "A.D. Thackray, J." The Honourable Mr. Justice A.D. Thackray

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