

CANADA / JUDGMENT

R. v. Lee

2003 BCSC 2041

COURT

Supreme Court of British Columbia

DECIDED

15 January 2003

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2003 BCSC 2041 R. v. Lee Citation: R. v. Lee Date: 20030115 2003 BCSC 2041 Docket: CC010051
Registry: Vancouver IN THE SUPREME COURT OF BRITISH COLUMBIA Ruling on Stage One of
Test re Informant Identity on voir dire The Honourable Mr. Justice Cullen January 15, 2003 HER
MAJESTY THE QUEEN AGAINST SEE CHUN LEE CHUK FONG TAO Counsel for Crown M.M.M.
Devlin J.K. Torrance Counsel for Defendant Lee P. Leask, Q.C. D. Jevning Counsel for Defendant
Tao D.B.L. Sokol Place and Date of Hearing: Vancouver, B.C. January 15, 2003 BAN ON
PUBLICATION 648 CCC

- [1] THE COURT: I think the basis before me is a little more than speculation in the sense that there is no speculation about what has been said by the informants to the police officers. That is incorporated into the affidavit, the portion of the affidavit that had not been edited, and it is that which is relied on by counsel for the accused, and it seems to me that the information that has been pointed to by counsel for the accused does come to the threshold, under the stage 1 test, of there being some evidentiary basis for the claim that disclosure of the informant's identity could raise a reasonable doubt about the guilt of the accused.
- [2] I am alive to the arguments made on behalf of the Crown, but I think those arguments ultimately are more appropriately directed towards the second stage of the test, in which the likelihood of the evidence raising a reasonable doubt and the purpose of the evidence sought by the defence is in question.
- [3] So I will rule that the first stage of the test has been met.

The Honourable Mr. Justice Cullen

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Prepared on 29 October 2026 · Esheria