

CANADA / JUDGMENT

R. v. Lee

2007 BCCA 461

COURT

British Columbia Court of Appeal

DECIDED

21 September 2007

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2007 BCCA 461 R. v. Lee COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Lee, 2007 BCCA 461 Date: 20070921 Docket: CA035380 Between: Regina Respondent And Jong Ca John Lee Appellant Before: The Honourable Madam Justice Rowles (In Chambers) B. Lee Agent for the Appellant M.A. Huot Counsel for the Respondent Written submissions received: 31 August and 11 September 2007 Place and Date of Judgment: Vancouver, British Columbia 21 September 2007 Reasons for Judgment of the Honourable Madam Justice Rowles:

- [1] Mr. Brett Lee, the brother of Jong Ca John Lee, has filed an application under s. 680(1) of the Criminal Code seeking a direction that the order of Mr. Justice Parrett, pronounced 26 June 2007, be reviewed by this Court. Mr. Justice Parrett's order reversed the order of a Provincial Court judge releasing Jong Ca John Lee on bail.
- [2] Brett Lee filed the application on 31 August 2007. Seven days after the application was filed, Jong Ca John Lee entered a guilty plea to a number of the offences with which he was charged. He was sentenced by Associate Chief Justice Dohm to a term of imprisonment.
- [3] The Crown opposes the application on the ground that this Court does not have jurisdiction to review the order of Mr. Justice Parrett under s. 680(1) of the Criminal Code. The Crown further submits that an application for judicial interim release pending the trial of Jong Ca John Lee became academic upon the entry of his plea to the charges. Crown counsel notes that Jong Ca John Lee may not have authorized the filing of the application and may not have been aware of it.
- [4] For the reasons which follow, I agree with the Crown counsel's submission that this Court does not have jurisdiction to review the order of Mr. Justice Parrett.
- [5] The order of the Provincial Court judge releasing Jong Ca John Lee was made under s. 515 of the Criminal Code. Section 515 provides for judicial interim release pending trial on the charges. If an accused is not released, or is released subject to certain conditions, he or she may apply to a judge under s. 520(1) of the Criminal Code for a review of an order made under s. 515 "at any time before the trial of the charge". If the accused is released pending trial on the charges, the Crown may seek review of the s. 515 order under s. 521(1) of the Criminal Code, which provides: If a justice, or a judge of the Nunavut Court of Justice, makes

an order under subsection 515(1), (2), (7), (8) or (12) or makes or vacates any order under paragraph 523(2)(b), the prosecutor may, at any time before the trial of the charge, apply to a judge for a review of the order.

- [6] In this case, the s. 515 order made by the Provincial Court judge released the accused from custody. The Crown sought review of the s. 515 order. Mr. Justice Parrett's order, made under s. 521(1), reversed the order of the Provincial Court judge. This application, filed under s. 680(1), seeks a direction that the order of Mr. Justice Parrett be reviewed by this Court.
- [7] This Court does not have jurisdiction to review the order of Mr. Justice Parrett. Section 680(1) of the Criminal Code makes no provision for a review of an order made under s. 521. Section 680(1) provides: A decision made by a judge under section 522 or subsection 524(4) or (5) or a decision made by a judge of the court of appeal under section 261 or 679 may, on the direction of the chief justice or acting chief justice of the court of appeal, be reviewed by that court
- [8] Moreover, Jong Ca John Lee has now pleaded guilty to the offences on which he had been detained under Mr. Justice Parrett's order. As a result, any review application under s. 520 or s. 521 would be academic for it would not have been made "at any time before the trial of the charge". Jong Ca John Lee is now incarcerated as a result of the sentences imposed by the Associate Chief Justice, not as a result of the order made by Mr. Justice Parrett.
- [9] As this Court has no jurisdiction to review Mr. Justice Parrett's order, the application to direct a review of his order under s. 680(1) must be dismissed. "The Honourable Madam Justice Rowles" CORRECTION - 12 June 2008 In paragraphs 3 and 8, "John Ca John Lee" has been corrected to read "Jong Ca John Lee".

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/Jdb-txt/CA/07/04/2007BCCA0461err1.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-lee-2007>

Prepared on 27 October 2026 · Esheria