
CANADA / JUDGMENT

R. v. Leppington

2020 BCSC 546

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Supreme Court of British Columbia

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2020 BCSC 546 R. v. Leppington

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Leppington,

2020 BCSC 546

Date: 20200403

Docket: 30440W

Registry: Vancouver

Regina

v.

Mark Edward Leppington

Before: The Honourable Mr. Justice Riley

Oral Reasons for Judgment

(In Chambers)

Counsel for the Crown:

Daniel T.R. Loucks

Counsel for the Accused:

Emily M. Stickland

Place and Date of Hearing:

New Westminster, B.C.

March 30, 2020

Place and Date of Judgment:

New Westminster, B.C.

April 3, 2020

Introduction

[1] Mr. Leppington is before the court for a 90 day bail review under s. 525 of the Criminal Code, R.S.C., 1985, c. C-46. He is in custody on three sets of charges, namely (i) a series of substantive charges including dangerous driving, possession of prohibited weapons, and obstructing a police officer on 18 June 2019; (ii) allegations of breach of bail following release on those charges; and (iii) a second series of substantive charges including break and enter, possession of stolen property, dangerous driving, and obstructing a police officer on 31 October 2019. Mr. Leppington was ordered detained by a Judge of the Provincial Court of British Columbia, at Surrey, on 12 December 2019. The learned Provincial Court Judge held that Mr. Leppington's detention was required under what is known as the secondary ground as set out in s. 515(10)(b) of the Criminal Code.

Allegations

(i) Information 234557

[2] The charges on this information relate to events on 18 June 2019. The charges include dangerous driving, driving while prohibited, obstruction of a police officer in execution of duties, and unlawful a possession of weapon. The allegations as related to the Provincial Court Judge at Mr. Leppington's bail hearing are as follows:

- a) The police were following a Ford F350 pickup truck that had been reported stolen. The police followed that truck to a property in Surrey where two men got out of the truck, and were seen loading some scrap material into the back of an Econoline van.
- b) A police officer is alleged to have seen Mr. Leppington, from a distance of some ten feet, get into the driver's seat of the van. Then police followed the van to a recycling depot. At a certain point the occupants of the van appeared to become aware of the police presence. There was a chase. The van sped up, drove through at least one red light, and then stopped at a residence. The driver, alleged to be Mr. Leppington, got out of the van, ran into the residence, and then out a window into the back yard, where he was arrested.
- c) The Econoline van had been stolen and had notable ignition damage.
- d) The Ford F350 truck had also been stolen, with notable ignition damage. In the cab of the truck the police found a backpack containing an assortment of things including two extendable batons, some shotgun shells, and tools suitable for use as housebreaking instruments.

e) Mr. Leppington was, at the time, subject to a driving prohibition from an earlier dangerous driving conviction.

[3] Mr. Leppington was released on those charges, on a form of house arrest, with terms not to be outside his residence except for work purposes, not to possess tools, and not to consume alcohol or drugs.

(ii) Information 234557-2A

[4] The charges on this information relate to alleged breaches of Mr. Leppington's bail on 31 October 2019, the specifics of which are discussed below.

(iii) Information 236097

[5] The charges on this information relate to events on 31 October 2019. The charges include mischief to property, theft of a vehicle, dangerous operation of a vehicle, fleeing police, and obstruction of a police officer in execution of duties. The particulars of the allegations as related to the Provincial Court Judge at Mr. Leppington's bail hearing are as follows:

- a) The owner of a commercial business in Surrey reported suspicious activity around his business premises.
- b) The police attended with lights and sirens activated, and Mr. Leppington and another man fled the scene in a Nissan Rogue sport utility vehicle ("SUV"). The SUV had been reported stolen several days earlier.
- c) When the SUV sped away from the scene at a high rate of speed, the police broke off the chase and did not pursue it.
- d) A short time later, the SUV drove through an intersection on a red light, smashed into another vehicle on the road (which was occupied at the time), and then crashed into a concrete barrier. The two occupants of the SUV then fled on foot.
- e) Mr. Leppington, alleged to be the driver, got out of the SUV and ran into traffic. He was seen by police attempting to open the doors and get into other vehicles, occupied vehicles that were stopped in traffic, but he was unsuccessful.
- f) Mr. Leppington continued to flee, jumping barriers and railings, and then running onto an overpass. He was apparently preparing to jump off the overpass onto the area below when the police apprehended him.
- g) To return briefly to the incident that caused Mr. Leppington to flee in the first place, the police obtained CCTV footage from the commercial premise where the suspicious activity had been reported.

- h) The video footage showed two men get out of the SUV. Mr. Leppington is shown on the video getting out of the driver's seat, wearing the same clothes as when he is later arrested. He is seen taking bolt cutters out of the SUV, then approaching the perimeter fence of the building. Mr. Leppington and the other man are seen rummaging through piles of material on the property, and also entering a pickup truck parked on the grounds of the property.
- i) At some point in the video footage one can hear the police sirens as they approach. At that stage Mr. Leppington is seen to cut a hole in the perimeter fence to facilitate his escape. He and the other man can then be seen jumping into the stolen SUV and driving away.

Criminal Record

- [6] The Provincial Court Judge was also told about Mr. Leppington's criminal record. It lists a total of 15 convictions, from 2009 (when Mr. Leppington was 19 years old) to 2016 (when Mr. Leppington was 26 years old). Some of the convictions are for minor offences. Others are for serious offences including break and enter and dangerous driving.
- [7] The most recent convictions on Mr. Leppington's criminal record, entered on 22 August 2016, included two separate counts of dangerous operation of a vehicle, resulting in a two year jail sentence. That means Mr. Leppington would have been serving that sentence or on parole up until August of 2018.

Mr. Leppington's Background and Proposed Release Plan

- [8] At the bail hearing before the learned Provincial Court Judge, defence counsel related that Mr. Leppington is now 30 years old, and is of First Nations background. Counsel highlighted this as a relevant factor because of the need to consider the effects of intergenerational trauma in Mr. Leppington's life, and the overrepresentation of Indigenous peoples in the jail system. In Mr. Leppington's case in particular, he had a difficult upbringing, having been in and out of foster care from a young age. Counsel reviewed Mr. Leppington's recent work history, noting that he had worked as a line cook, a landscaper, and a commercial cleaner. Counsel also related to the court that Mr. Leppington has ongoing substance abuse issues, specifically with misuse of methamphetamine and heroin, and had been attending NA and AA meetings for six weeks while in custody prior to his bail hearing.
- [9] With regard to the allegations against Mr. Leppington, counsel cited the presumption of innocence and submitted that there were triable issues on at least some of the charges.
- [10] Mr. Leppington's counsel proposed release on a recognizance with a \$1,000 cash deposit, on terms requiring him to reside with his common law partner, subject to 24 hour house arrest, and electronic monitoring. This was said to be a step up from the previous release because (a) there would be a cash deposit, (b) the house arrest would not allow any exception for Mr. Leppington to be outside the residence for work, such that it would be very clear to everyone that there is no reason whatsoever for Mr. Leppington to be outside his residence, and (c) Mr. Leppington would be subject to electronic monitoring.

Provincial Court Judge's Reasons

- [11] In brief oral reasons for judgment given directly after the hearing, the learned Provincial Court Judge first reviewed the allegations against Mr. Leppington, and then summarized his personal circumstances.
- [12] The Provincial Court Judge made reference to some of the leading authorities on judicial interim release, specifically *R. v. Antic*, 2017 SCC 27 [Antic]; *R. v. Myers*, 2019 SCC 18 [Myers] and *R. v. Abdel-Rahman*, 2010 BCSC 189 [Abdel-Rahman].
- [13] The Provincial Court Judge also referred to *R. v. Gladue*, [1999] 1 SCR 688 [Gladue], which discusses the court's obligation to pay attention to the history and circumstances of Aboriginal person's. Gladue dealt with a particular provision of the Criminal Code applicable to sentencing, but it has since been recognized that "Gladue factors are relevant to bail applications": *R. v. Louie*, 2019 BCCA 257 [Louie] at para. 35, citing *R. v. Hope*, 2016 ONCA 648 at para. 9 and *R. v. Robinson*, 2009 ONCA 205 [Robinson] at para. 13.
- [14] With regard to the Abdel-Rahman decision, the Provincial Court Judge summarized the test set out by Halfyard J. for detention under the secondary ground in s. 515(10)(b) of the Criminal Code, explaining that bail should only be denied on the secondary ground where there is a substantial likelihood that the accused will commit a further offence, and where that substantial likelihood poses a threat to the safety of the public.
- [15] The Provincial Court Judge referred to the dangerous driving allegations, stressing the risk to the public arising out of such conduct. The Provincial Court Judge noted that this kind of conduct is "very much related to his criminal antecedents", referring there to Mr. Leppington's criminal record. The Provincial Court Judge also noted concern that Mr. Leppington has a history of non-compliance with court orders.
- [16] The Provincial Court Judge considered Mr. Leppington's release plan, acknowledged it to be a step up from the prior form of release, but concluded that it did not afford him with sufficient confidence, looking at Mr. Leppington's criminal record and the allegations he now faces, that Mr. Leppington would not commit further offences. The Provincial Court Judge found that there was a substantial likelihood of further offences that would put the public at risk. The Provincial Court Judge thus revoked Mr. Leppington's bail on the first set of charges and ordered his detention on all matters.

Subsequent Developments

- [17] Mr. Leppington was detained on 12 December 2019. More than 90 days have passed since his detention, so he is entitled to a review under s. 525 of the Criminal Code. Since the initial detention order there have been a number of developments, specifically in relation to (i) the setting of trial dates, (ii) Mr. Leppington's release plan, and (iii) the emergence of the COVID-19 pandemic and its effect on those in custodial institutions. I will deal with those developments in my analysis below.

Legal Principles

- [18] The purpose of the 90 day bail review provision in s. 525 of the Criminal Code is to prevent accused persons from languishing in custody pending trial and to ensure matters are tried promptly: Myers at para. 24.
- [19] The reviewing judge is expected to show deference to any findings of fact made by the first instance decision maker unless there is some demonstrated basis for reconsidering them: Myers at para. 47.
- [20] The overarching question for the reviewing judge under s. 525 of the Criminal Code is whether the continued detention of the accused is justified having regard to the grounds set out in s. 515(10): Myers at para. 46. Section 515(10) sets out three different grounds for detention, which I would briefly summarize as: (1) to ensure attendance at trial per s. 515(10)(a), (2) to protect safety of the public as contemplated in s. 515(10)(b), and (3) to maintain confidence in the justice system per s. 515(10)(c).
- [21] In considering the question of judicial interim release, the court must bear in mind that throughout the process the accused is presumed innocent unless and until there has been a trial leading to a finding of guilt based on proof beyond a reasonable doubt, or a guilty plea: Antic at para. 1, 66, 67(a); Myers at para. 1, 59.
- [22] The default position is that the accused should be released at the earliest opportunity and on the least onerous terms available in the circumstances: Myers at para. 1; Antic at para. 29, 67(d). Detention in custody is the exception and should be regarded as the option of last resort: Myers at para. 67.
- [23] In deciding the overarching question of whether continued detention is justified under the grounds set out in s. 515(10), the reviewing judge should consider (a) any new evidence or change in circumstance, (b) impact of the passage of time and any unreasonable delay on the proportionality of detention, and (c) the rationale offered for the initial detention: Myers at para. 63.

Analysis

(a) New Evidence or Changes in Circumstances

- [24] There have been basically three developments since Mr. Leppington was detained on 12 December 2019.
- [25] First, there have been developments with respect to the setting of trial dates. With regard to Information 234557, that matter has been set for trial in the Provincial Court of British Columbia on 28 to 30 September 2020. Information 236097 was before the Provincial Court for the setting of a trial date when the Court suspended its regular operations in response to the COVID-19 public health emergency and was adjourned by directive of the Chief Judge of the Provincial Court to 25 May 2020 for a fix date appearance. Information 234557-2A has

been adjourned to 25 May 2020 for a fix date appearance on the same basis.

- [26] Second, there have been developments with respect to Mr. Leppington's release plan. In particular, Mr. Leppington now proposes release on a recognizance with a \$1,000 cash deposit on terms requiring him to reside at a residential drug recovery house run by an organization called New Vision Society. This drug recovery house is registered with the provincial government as an assisted living facility. They have a professionally certified alcohol and drug counsellor on staff. The residence is staffed and monitored 24 hours per day. Counsel also tendered a list of house rules and regulations as an exhibit in these proceedings. At the hearing, counsel for Mr. Leppington submitted that residential drug recovery represented a different release plan that was in effect a step up from the plan proposed at the original bail hearing. Counsel emphasized that in addition to providing some measure of independent supervision of Mr. Leppington's activities, this release plan was responsive to Mr. Leppington's drug abuse problem, said to be a root cause of his alleged criminal behaviour.
- [27] Third, there are developments with respect to the emergence of the COVID-19 pandemic and its implications for the criminal justice system in general and for those in custody in pre-trial detention facilities in particular.
- [28] One facet here is the fact that both the Provincial Court of British Columbia and the Supreme Court of British Columbia have issued notices suspending their normal court operations for a period of time in response to recommendations or directions from public health officials to reduce the spread of COVID-19 throughout our communities. This has scheduling implications for criminal cases. In Mr. Leppington's case, we can see that his fix date appearances on two of the three Informations have been adjourned. This may lead to some delay in scheduling of the trials in those matters.
- [29] Another facet of the COVID-19 situation is the health risk associated with the virus itself. For those who are in custody in remand facilities, the risk is heightened or magnified by the fact that prisoners are held in confined spaces, in close quarters with other prisoners. This poses an obvious challenge in observing practices of social distancing and voluntary self-isolation, strategies that public health officials have advocated to reduce the spread of COVID-19. See *R. v. Berlinguette*, 2020 BCSC 477 at para. 35, citing *R. v. J.S.*, 2020 ONSC 1710 at para. 18-19.
- [30] I have been provided with information from the authorities responsible for administering remand facilities in British Columbia indicating that every effort is being made to address COVID-19 risks. These efforts include but are not limited to minimizing close contact, close monitoring of newly admitted inmates for symptoms, and isolation of inmates who show overt symptoms. I accept on the materials I have been provided that the responsible officials are doing all that might reasonably be done to limit the risk that COVID-19 poses to the inmate population. Still, one cannot ignore the reality that individuals who are being held in custody in confined spaces, often in close quarters with others, are subject to increased health risks associated to exposure to, and challenges associated with treating of COVID-19

in the custodial setting. Moreover, the institutional response can be expected to result in restriction of the few privileges and limited programming available to inmates in pre-trial detention, making the circumstances of detention even more burdensome than would ordinarily be the case.

- [31] I have been referred to several cases discussing the impact of all of this on the question of judicial interim release. See *R. v. J.S.* at para. 18-20; *R. v. T.K.*, 2020 ONSC 1339 at para. 73-74; *R. v. Alexander*, [2020] N.J. No. 69 (Q.L.) at para. 7.
- [32] For my part, I will say that the health risks of the COVID-19 pandemic, and the institutional response, are matters that are certainly relevant to the impact of detention on the physical and mental well-being of Mr. Leppington as an accused person as discussed in *Myers* at para. 27. This does not mean Mr. Leppington should be released if it is determined that his detention is required on any of the grounds specified in s. 515(10) of the Criminal Code. It does however heighten the court's concern about the impact and potential implications of ordering Mr. Leppington's detention, which under the law is only justified as the option of last resort. In this, I agree with the comment of A.J. Goodman J. in *R. v. T.K.* at para. 74, that "even in these very challenging times, the court must fully recognize the potential harmful health impact on detained persons in the various institutions, while at the same time exercising the balancing required to sustain its fundamental role in the administration of justice and protection of the public".
- (b) Passage of Time, Unreasonable Delay, Proportionality of Detention
- [33] No one has suggested any unreasonable delay in this case. Two of the three sets of charges have not yet been set for trial, but I have been told that they are proceeding at a pace that is expected in the Provincial Court. Were it not for the COVID-19 suspension of operations resulting in an adjournment of the fix dates, it is likely that they would have been set for trial by now.
- [34] Still, there is some potential delay in this matter arising out of the Provincial Court's response to the COVID-19 crisis. The delay could not be fairly characterized as unreasonable or laid at the feet of either the Court or the Crown, but it is potential delay nonetheless.
- [35] On the one matter that has now been scheduled, Information 234557, those charges are set for trial in late September 2019. That would be some 11 months after Mr. Leppington was taken into custody. In my view, there is no real concern that if Mr. Leppington is detained, he would end up spending more time in custody on these matters than he would if convicted and sentenced to a jail term, considering his prior criminal record and the seriousness of the charges.

[36] With respect to Informations 234557-2A and 236097, if I were to determine that Mr. Leppington's further detention is required at this point, the concern about potential delay and proportionality in relation to those matters could be addressed by scheduling another bail review, more or less immediately after the trial dates on Information 234557. At that point, there would be an assessment of whether Mr. Leppington's further detention is justified based on the dates set for those matters.

(c) Original Justification for the Detention

[37] The learned Provincial Court Judge found that in view of Mr. Leppington's prior criminal record and the nature of the new charges against him, there was a substantial likelihood that he would, if released, commit further offences that would endanger the safety of the community. The Provincial Court Judge went on to assess whether the risk could be properly addressed or managed by the proposed release plan, and concluded that it could not, for a number of reasons. The court was concerned about Mr. Leppington's history of non-compliance with bail and conditional sentence orders, as reflected in his criminal record and the new allegations. The Provincial Court Judge did not have confidence that Mr. Leppington would abide by the proposed terms of release, and thus the risk to the safety of the community could not be brought down to an acceptable level.

[38] It has not been suggested that the learned Provincial Court Judge made any error in law or in principle in reaching that conclusion, which is entitled to deference in the absence of some extricable error. I cannot say, based on the information placed before the learned Provincial Court Judge at the bail hearing, that he was wrong in concluding that Mr. Leppington's detention was required on the secondary ground in s. 515(10)(b). The question that is left to be decided by me is whether that conclusion continues to hold today, in light of the passage of time and the above-noted developments.

Whether Continued Detention is Required

[39] The key submission of counsel is that Mr. Leppington's new release plan represents a step up in the bail ladder, in several respects. For one thing, it ensures some level of independent supervision of Mr. Leppington's release. For another thing, the proposed release plan addresses what is said to be a root cause of Mr. Leppington's alleged involvement in criminal activity, namely his drug abuse problem. In this regard, I am mindful of the following comments in Myers at para. 67:

Third, Mr. Myers was detained exclusively on the basis of the second ground under s. 515(10), despite the fact that he had a release plan involving a closely supervised treatment facility to address his substance abuse problems and multiple proposals to address the concern that he posed a risk to the public. It was within the bail judge's discretion to determine whether the release strategies presented by counsel addressed the risk that if released from custody, Mr. Myers would commit a criminal offence or interfere with the administration of justice within the meaning of s. 515(10)(b). That being said, judges and justices presiding over bail hearings should

always give very careful consideration to release plans that involve supervised treatment for individuals with substance abuse and mental health issues. Release into treatment with appropriate conditions will often adequately address any risk raised under s. 515(10), and such a strategy is a less onerous alternative than provincial remand. It may also substantially address the root causes of the accused person's alleged criminal behaviour and reduce the likelihood of future criminal conduct. In accordance with the principles articulated in *Antic*, we must not lose sight of the fact that pre-trial detention is a measure of last resort.

- [40] Taking those comments into account, I must decide whether, in the concrete circumstances of Mr. Leppington's case, release to a residential recovery program on strict terms would provide the level of confidence necessary to overcome the otherwise compelling conclusion that there is a substantial and unacceptable risk of further offences that would threaten the safety of the community. Particularly pertinent in addressing this question is the prior history of non-compliance with bail and sentencing orders.
- [41] In this regard, given that Mr. Leppington's counsel is now suggesting release to a residential recovery house, Crown counsel put certain additional information before the court at the bail review. In particular, referring to the entries on Mr. Leppington's criminal record, Crown counsel advises that:
- a) On 17 October 2012, Mr. Leppington was found guilty and sentenced for a host of offences including possession of stolen property, break and enter, possession of break in instruments, and two counts of failure to comply with bail orders. Mr. Leppington received a two years less one day conditional sentence, to be followed by probation. Under the terms of that conditional sentence order, intended to be a jail sentence in the community, Mr. Leppington was required to reside at a residential drug recovery facility called Hope House, and to abide by a curfew. Within several months of that order being issued, Mr. Leppington breached the conditional sentence and was found to have committed new offences, namely theft of a vehicle and dangerous driving. The conditional sentence was revoked.
 - b) On 20 June 2016, Mr. Leppington was arrested for various offences including dangerous driving and assault of a police officer. Eight days later, on 28 June 2016, Mr. Leppington was released on bail on terms requiring him to reside at the Realistic Success Recovery House. He breached the terms of that bail order the following day, 29 June 2016. Within a matter of weeks, on 14 July 2016, Mr. Leppington committed his third dangerous driving offence and was found in possession of stolen property.
- [42] This is, strictly speaking, new evidence that was available to the Crown but not placed before the court at the initial bail hearing. It is therefore only admissible if it meets the criteria for the reception of new evidence as discussed in *Myers* at para. 62, applying the principles enunciated in *R. v. St-Cloud*, 2015 SCC 27 at para. 130-134. In this particular case, the Crown has satisfied me that this new information, while available at the time of the initial bail hearing, only became relevant when Mr. Leppington put forward a new plan suggesting release to a residential drug recovery program. That release plan, put forward for the first

time at the s. 525 hearing before me, raised what was in effect a new issue as to the likelihood that Mr. Leppington would comply with or abide by the terms of his release in the context of a residential drug recovery program. I should note that during the hearing I canvassed this issue with Mr. Leppington's counsel, who quite properly acknowledged that in light of the new release plan, it was proper for the Crown to place before the Court additional information, narrowly confined to the question of Mr. Leppington's prior performance in residential drug recovery.

- [43] Crown counsel says that in view of this history, the court can have no confidence that if released on terms requiring him to reside at a residential recovery house, Mr. Leppington would abide by his bail terms and avoid any further involvement in criminal activity.
- [44] In response, counsel for Mr. Leppington submitted that the road to recovery is seldom - probably never - perfect. There are often setbacks along the way. In Mr. Leppington's case, his first effort at residential recovery occurred when he was in his early 20s, and his second attempt occurred when he was in his mid 20s. Mr. Leppington is now 30 years old and has reached a point where, according to his counsel, he is in a position to make a genuine effort at recovery.
- [45] I note as well that in the course of her submissions counsel referenced Mr. Leppington's First Nations background and urged the court to consider Gladue principles, recognizing the over-incarceration of Indigenous persons, and the importance of considering creative solutions to address underlying issues such as substance abuse. As noted by Fisher J.A. in *Louie* at para. 35, citing *Robinson* at para. 13 with approval, this would involve "consideration of the types of release plans, enforcement or control procedures and sanctions that would, because of his or her particular Aboriginal heritage or connections, be appropriate in the circumstances of the [accused] and would satisfy the primary, secondary and tertiary grounds for release". These remarks were cited in *Louie* in the context of release on bail pending appeal, but I see no reason why they should not also be applied to judicial interim release before trial. Indeed, in the pre-trial context, the accused continues to benefit from the presumption of innocence.
- [46] These comments are worthy of serious consideration in the case at bar. Yet, it must also be noted that in dealing with Mr. Leppington, the courts have on several occasions attempted creative, treatment-oriented, non-custodial means of addressing the substance abuse problem said to be a root cause of his difficulty with the law. On the two prior occasions when the court has found it appropriate to place Mr. Leppington on a form of community release at a drug recovery facility, in relatively short order he failed to comply and in fact involved himself in further serious criminal activity.
- [47] I take counsel's point that the road to recovery from substance abuse may not be smooth, and that Mr. Leppington is now more mature and ready to try again. Still, I must critically assess this submission in light of the evidence when considering the extent of any continuing risk to the safety of the community. I must be satisfied that the bail risk is

manageable or acceptable in view of the potential public harm that could ensue. Looking at things objectively, I do not have confidence that Mr. Leppington will abide by the terms of his release given his abysmal history of performance on similar forms of release in the past, taken together with all the other information in the record. There is, in my view, a continuing substantial likelihood that Mr. Leppington will commit further offences if released, and in view of the allegations against him and his criminal record the attendant risk to the safety of the community is unacceptable. The risk is too great, considering the outstanding charges and Mr. Leppington's related criminal record. He has multiple convictions for dangerous driving, and he is now facing two more allegations of a similar nature. The most recent charge involves an allegation of dangerous driving in circumstances that posed a very grave risk to the safety of the community. I therefore conclude, regretfully and despite the very able and thoughtful submissions of Mr. Leppington's counsel, that continued detention is required on the grounds set out in s. 525(10)(b) of the Criminal Code.

[48] Having reached that conclusion, I also find that it is necessary in this case to make a direction under s. 525(4)(b) of the Criminal Code. In particular, I direct that there be a further bail review in relation to all three matters, Informations 234557, 234557-2A, and 236097, in the Supreme Court of British Columbia, on 5 October 2020, or the earliest available date thereafter. I make that direction because, in my view, there is still considerable uncertainty as to the scheduling of trial dates on Informations 234557-2A and 236097, and I would be concerned about Mr. Leppington being in custody on those matters any longer than necessary without an opportunity for further review of his bail status.

"Riley J."

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