

CANADA / JUDGMENT

R. v. McCook

2025 BCSC 1776

COURT

Supreme Court of British Columbia

DECIDED

17 April 2025

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. McCook,

2025 BCSC 1776

Date: 20250417

Docket: 77831-3

Registry: Prince George

Rex

v.

Brent Angus McCook

Before: The Honourable Madam Justice Sukstorf

Oral Reasons for Judgment Re: Admissibility of Evidence Gathered from Trajectory Rods

Counsel for the Crown:

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Place and Date of Hearing:

Prince George, B.C.

April 9, 2025

Place and Date of Judgment:

Prince George, B.C.

April 17, 2025

- [1] These reasons for judgment were delivered orally. They have since been edited for distribution and publication.
- [2] THE COURT: These are my reasons for judgment on the Crown's application for a ruling on the admissibility of trajectory rod evidence gathered during the homicide investigation into the death of Rochelle Poole on January 24, 2023, at 912 Seymour Street, Kwadacha (Fort Ware), British Columbia ("Residence").
- [3] The defence submits that the trajectory rod evidence may be mistaken for expert opinion and should not be admitted without a voir dire to assess its admissibility and limit its use.

Background

- [4] Mr. McCook is charged with the murder of Ms. Poole ("Deceased"). The Crown's theory is that he fired a .308 rifle from inside the Residence, discharging a round through the front doorway and the windshield of their Ford F350, which was parked in the driveway, fatally striking the Deceased as she sat in the passenger seat.
- [5] On January 25, 2023, while executing a search warrant at the residence and vehicle, Cpl. Vann Turmel and Cst. Mark Adams of the RCMP Forensic Identification Section identified bullet perforations in the windshield of the F350 and damage to the passenger and driver headrests. They used trajectory rods and a string to align bullet perforations in the windshield of the Ford F350 pickup truck with corresponding impact points identified in the seatbelt regions of the headrests. String was extended into the residence to illustrate directionality.

Trajectory Rod Methodology

- [6] Based on the evidence and case law to be discussed below, this decision addresses the use of trajectory rods and string, a forensic tool used to illustrate the likely path of a bullet.
- [7] The process generally involves the following:
 - a) Investigators identify a point of entry (e.g., a bullet hole in a windshield) and a point of termination (e.g., a bullet defect in a seat or headrest);
 - b) Trajectory rods, which are rigid, often colour-coded rods, are inserted into the defects and aligned through the two points; and

- c) The rods are often extended with threaded segments, and a string or laser may be affixed to extend the path visually to suggest a general origin point.
- [8] The method is not intended to provide exact distances or angles, but rather a directional approximation to assist in scene reconstruction.

Issue

- [9] The central issue is whether, in the context of this case, the use of trajectory rods and string constitutes a straightforward factual observation that is admissible without expert qualification, or whether its nature and complexity require it to be admitted through expert evidence.

Legal Framework

- [10] The general rule is that witnesses may not provide opinion evidence unless qualified as experts under the framework established in *R. v. Mohan*, [1994] 2 S.C.R. 9, 1994 CanLII 80 (S.C.C.). The Supreme Court of Canada ("SCC") in *Mohan* set out four criteria for the admissibility of expert opinion evidence: (1) relevance, (2) necessity in assisting the trier of fact, (3) the absence of any exclusionary rule, and (4) a properly qualified expert. However, courts have recognized that specific forensic observations--such as the use of trajectory rods--may be admissible without expert qualification if they are based on training and experience and do not involve technical or scientific opinion.
- [11] In British Columbia, the courts in *R. v. Himpfen*, 2018 BCSC 2584 [Himpfen]; *R. v. Newman*, 2012 BCSC 2121 [Newman]; and *R. v. Derion*, 2013 BCPC 34 [Derion] provide helpful guidance on the use of trajectory rod evidence. Collectively, they affirm that such evidence is generally admissible without formal expert qualification when it is used in a straightforward and transparent manner. Each case contributes distinct guidance.
- [12] In *Himpfen*, at paras. 174 and 433, the Court accepted evidence from a forensic identification officer who used trajectory rods to illustrate bullet paths. The methodology was described as one grounded in common sense, relying on visual alignment and basic training--not advanced scientific modelling. The Court emphasized that this approach was intended to assist the trier of fact in understanding the physical layout and the nature of the observed damage.
- [13] In *Derion*, trajectory analysis was conducted and presented as part of the forensic scene investigation, not as a standalone expert opinion. The decision does not dwell on the admissibility of the method itself, suggesting it was uncontroversial and accepted as part of routine forensic work. The Court implicitly endorsed its use by relying on the officer's observations.

- [14] However, in *Newman*, based on the facts of that case, the Crown sought to qualify a firearms examiner as an expert in multiple areas, including bullet trajectory analysis. The Court accepted her as an expert in that area, but importantly, it acknowledged that her experience varied across different subfields. This case affirms that where a witness is being relied on for formal opinion evidence on bullet trajectories--particularly where ricochet or complex dynamics are involved--expert qualification is required.
- [15] In summary, the B.C. authorities reflect a consistent approach to trajectory rod evidence. Where the method is used to illustrate visible, physical alignments--for example, bullet holes in a windshield and corresponding defects in a vehicle interior--and the analysis is grounded in training and common sense, courts have generally treated such evidence as factual observations admissible without formal expert qualification. However, expert evidence may be required where the analysis involves complexity--such as ricochet, angle or distance calculations, or events involving movement or variable trajectories.
- [16] The same approach was captured in *R. v. Neilson*, 2019 ABCA 403 [Neilson] by the Alberta Court of Appeal. In that case, the Court addressed whether bullet trajectory evidence required expert testimony for admissibility. The Court held that expert evidence is not necessarily required in all cases. It stated at para. 27:

While expert evidence may be needed in some cases to determine a bullet's trajectory, that does not mean that expert evidence is necessarily required in all cases before inferences can be drawn about where a gun was fired.

- [17] The key inquiry is whether the case involves complexity or technical detail that goes beyond ordinary inference. The Court distinguished between cases where expert opinion is required due to complexity (e.g., involving ricochet, multiple projectiles, or obstructions) and those where the physical evidence speaks for itself in a straightforward manner: *Neilson* at para. 27.
- [18] On the other end of the spectrum is *R. v. Deslauriers*, 2024 QCCQ 156 [Deslauriers], which required expert evidence due to the scene's complexity and dynamic nature. In *Deslauriers*, the accused, a police officer, was charged with two counts of manslaughter: one stemming from an unlawful act and the second from criminal negligence after fatally shooting a suspect during an attempted arrest. The shooting occurred in a highly fluid setting: a school parking lot, where the officer blocked the exit with his cruiser and approached a stolen vehicle.

Analysis

- [19] In this case, trajectory rods were threaded through bullet holes in the windshield of the F350 and intended to illustrate general direction--not to provide precise measurements. Cpl. Turmel acknowledged limitations, including the size of the bullet holes and the potential for deflection. He gave no opinion on shooter identity or position.

- [20] The defence argues that, although the evidence may assist the Court, it risks being misinterpreted as expert opinion. Without boundaries, it could be seen as offering conclusions beyond factual observation. I agree with the defence that care must be taken not to overstate the evidentiary value of such aids. However, the method here is comparable to that used in Himpfen, where rods were used to illustrate visible alignments between fixed points in a stationary vehicle. This case involves simple visual alignment without requiring expert conclusions or calculations.
- [21] By comparison, Deslauriers involved a dynamic scene with moving vehicles and raised issues of angle, timing, and perceived threat--requiring expert evidence. This case is readily distinguishable. Both the vehicle and shooter were stationary, with clearly visible entry and termination points. The analysis was straightforward and did not require expert reconstruction.
- [22] I am satisfied that the use of trajectory rods in this case falls within the scope of lay observation grounded in training and experience. The photographs and diagrams help visualize the scene, corroborate bullet impacts, and illustrate directionality without claiming precision. Given its simplicity and foundation in basic training, the evidence remains within the bounds of admissible lay observation. The risk of prejudice is minimal, particularly where the purpose and limitations of the method are clearly explained.

Conclusion

- [23] The Crown's application is granted. The use of trajectory rods by Cpl. Turmel and Cst. Adams is admissible as part of the officers' factual observations made during their forensic examination of the scene. The evidence is not admitted as expert opinion, and its probative value lies solely in its illustrative function.

"Sukstorf J."

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