

CANADA / JUDGMENT

R. v. Nuttall

2016 BCSC 466

COURT

Supreme Court of British Columbia

DECIDED

1 February 2016

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2016 BCSC 466 R. v. Nuttall IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Nuttall, 2016 BCSC 466 Date: 20160201 Docket: 26392 Registry: Vancouver Regina v. John Stuart Nuttall and Amanda Marie Korody Restriction on Publication: Pursuant to ss. 486.5(1) and 486.5(9) of the Criminal Code there shall be no publication, broadcast or transmission in any way of any information that could identify any undercover police officers including any pseudonyms used by the undercover police officers involved in the investigation of the Accused. This publication ban applies until further order of the Court. These reasons for judgment comply with this publication ban. Before: The Honourable Madam Justice Bruce Oral Ruling re Objection to Tendering of Dr. Omid Safi as Witness Counsel for the Crown: Peter A. Eccles Sharon K. Steele Counsel for the Accused, John Stuart Nuttall: Marilyn E. Sandford Alison M. Latimer Counsel for the Accused, Amanda Marie Korody: Mark R. Jetté Scott Wright Counsel for CSIS: Courtenay N. Landsiedel Place and Date of Trial/Hearing: Vancouver, B.C. February 1, 2016 Place and Date of Judgment: Vancouver, B.C. February 1, 2016

- [1] THE COURT: At this stage, in terms of the preliminary objection, I am not going to address whether the expert has the qualifications and/or experience to give the opinions that he is going to present to the court. I would prefer to have an opportunity to review the C.V., as well as hear the evidence of Dr. Safi on his qualifications, his experience to determine whether he has the required expertise to give the opinions sought.
- [2] In addition, on the issue of relevance, I am satisfied at this point in time that the opinion evidence with respect to the accuracy and the nature of the spiritual guidance and religious advice given to the defendants by the undercover operators is clearly relevant to the entrapment and the abuse of process application by the defence.
- [3] If the RCMP misled the defendants with respect to the religious advice, it certainly makes their conduct far more egregious than if they chose to provide religious advice that was accurate. Moreover, it would make the undercover officers' conduct more egregious if the advice they gave in the context of religious and spiritual guidance were the extremist religious views of the jihadists, such as Al-Qaeda and Bin Laden. That would make the conduct far more egregious.

- [4] So I am prepared to hear the qualifications of this witness to determine whether or not he is indeed qualified to give the opinion evidence that the defence seeks to lead. "Bruce J."
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