

CANADA / JUDGMENT

R. v. Pastega

2020 BCSC 1824

COURT

Supreme Court of British Columbia

DECIDED

5 August 2020

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2020 BCSC 1824 R. v. Pastega IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Pastega, 2020 BCSC 1824 Date: 20200805 Docket: 30132-1 Registry: Vancouver Between: Regina Respondent And Dean Christopher Pastega Appellant Before: The Honourable Associate Chief Justice H. Holmes Oral Reasons for Judgment In Chambers Counsel for the Respondent: K. Gagnon The Appellant appearing on his own behalf: Dean Pastega Place and Date of Hearing: Vancouver, B.C. August 5, 2020 Place and Date of Judgment: Vancouver, B.C. August 5, 2020

- [1] THE COURT: Mr. Pastega, it is evident that you, and probably many other people, have been misled by a news report about the law. I am not blaming anyone for that, but the reality is that news is reported in a certain way for a certain purpose, and the analysis of the law is not always as complete as it needs to be.
- [2] I accept what you have told me about the situation, but the bottom line is that the police officer was correct in telling you that it did not matter that your phone was not in your hand.
- [3] As you explained, you had the phone on your lap, and you were using it to speak with your wife. According to the case authorities to which Ms. Gagnon, Crown counsel, referred this morning, your actions clearly fell within the scope of the conduct prohibited by the legislation.
- [4] For that reason, I am unable to grant your application to have your plea or acknowledgement (through not disputing the ticket) set aside. To put it simply, there is no chance of your position succeeding if you were to be permitted to pursue it further.
- [5] THE APPELLANT: Okay.
- [6] THE COURT: So your application is denied. The legislation is complex and difficult to understand, and it is also quite far-reaching. You are certainly not the only one who does not understand its full reach.
- [7] The application is denied.
- [8] THE APPELLANT: Okay.
- [9] MS. GAGNON: Thank you, My Lady "Associate Chief Justice H. Holmes"

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