

CANADA / JUDGMENT

R. v. Patko

2005 BCCA 63

COURT

British Columbia Court of Appeal

DECIDED

4 February 2005

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2005 BCCA 63 R. v. Patko COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Patko, 2005 BCCA 63 Date: 20050204 Docket: CA32576 Between: Regina Respondent And Jonathan James Patko Applicant Before: The Honourable Chief Justice Finch (In Chambers) P.J. Wilson, Q.C. Counsel for the Applicant W.M. Stephen, Q.C. Counsel for the Respondent Written Submissions of the Applicant Dated: Written Submissions of the Respondent Dated: January 11, 2005 February 1, 2005 Place and Date of Judgment: Vancouver, British Columbia February 4, 2005 Reasons for Judgment of the Honourable Chief Justice Finch:

- [1] The applicant applies under s.680(1) of the Criminal Code for a direction that the order of the B.C. Supreme Court pronounced at New Westminster on 13 October 2004, varying the conditions upon which the applicant's bail was continued, be reviewed by this Court. The condition of the bail order in issue is a curfew from 10:00 p.m. to 6:00 a.m. seven days per week.
- [2] The applicant is charged with second degree murder alleged to have occurred on 13 October 2002. He was first admitted to bail on that charge by order of this Court on 2 April 2003. There have been a number of intervening events and orders which I need not recite. On 8 September 2004, the applicant's trial date was adjourned from 17 January 2005 to 17 October 2005.
- [3] In my view, it is possible that a Division of this Court might vary the impugned condition.
- [4] I direct that the order of 13 October 2004 be reviewed by this Court. "The Honourable Chief Justice Finch"

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