

CANADA / JUDGMENT

R. v. Reed

2024 BCSC 2618

COURT

Supreme Court of British Columbia

DECIDED

26 April 2024

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2024 BCSC 2618 R. v. Reed IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Reed, 2024 BCSC 2618 Date: 202404326 Docket: 32995-1 Registry: Vancouver Regina v. Richard Charles Reed Before: The Honourable Madam Justice Watchuk Oral Ruling Executive Summary of Oral Ruling Reed Voir Dires #1 and #2 Counsel for the Crown: R.J. Antonuk M.J. Wolf F. Nejatali Counsel for the Accused: S.N. Dickson Place and Date of Trial: Vancouver, B.C. April 2-5,8-11,15-19,22-24,26, 2024 Place and Date of Judgment: Vancouver, B.C. April 26, 2024

- [1] THE COURT: This is the executive summary of Oral Ruling Reed voir dire #1 and #2. On the first page there should be a "25", which is the number assigned to the written application in voir dire #1.
- [2] Continuing on page 2, voir dire #1. The Crown application to admit the statements of Mr. Reed to Mohammed Elburai is granted in part. In arriving at these conclusions I have relied upon the analytic framework summarized in R. v. Schneider, 2022 SCC 34 at para. 36.
- [3] Paragraph 2. With regard to the interaction between Mr. Reed and Mr. Elburai on September 18, 2020, Mr. Reed's request to Mr. Elburai for a ride home is admitted. There is no objection to the admissibility of that statement.
- [4] Paragraph 3. Mr. Reed's statement to Mr. Elburai, "Look at the news" is admitted as a party admission exception to the hearsay rule.
- [5] Paragraph 4. With regard to the interaction between Mr. Reed and Mr. Elburai a few days after September 18, 2020, Mr. Reed showing Mr. Elburai a photo of a Chinese man with his mouth or cheek bleeding is admitted under the party admission exception to the hearsay rule.
- [6] Paragraph 5. The remaining statements of Mr. Reed to Mr. Elburai are excluded and will not be admitted as evidence in the trial proper. In balancing the probative value with the prejudicial effect, I have found that the balance favours exclusion of the remainder of the statements.

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- [7] Turning to voir dire #2. The Crown application as amended regarding the evidence of Tyler Laramie-Chan, heard in voir dire #2, is granted. Mr. Reed's request that Mr. Laramie-Chan send him the address where he picked up Mr. Reed is admissible for a pure narrative purpose: R. v. Khan, 2017 ONCA 114 at para. 30. There is no objection to this evidence being used for this purpose.
- [8] Paragraph 8. The two text messages sent by Mr. Laramie-Chan to Mr. Reed, Exhibit C on the voir dire, are admissible under the narrative as circumstantial evidence exception to the rule against prior consistent statements. They are to be used solely for the limited purpose of supporting Mr. Laramie-Chan's credibility, in that the texts confirm his testimony that he sent an address to Mr. Reed. "Watchuk J."
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