

CANADA / JUDGMENT

R. v. Teixeira

2024 BCCA 314

COURT

British Columbia Court of Appeal

DECIDED

30 August 2024

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2024 BCCA 314 R. v. Teixeira COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Teixeira, 2024 BCCA 314 Date: 20240830 Dockets: CA49727; CA49733 Docket: CA49727 Between: Rex Appellant And Brandon Nathan Teixeira Respondent

- and - Docket: CA49733 Between: Attorney General of Canada Appellant And Brandon Nathan Teixeira Respondent Restrictions on publication: A publication ban has been automatically imposed under
- s. 648 of the Criminal Code restricting the publication, broadcasting or transmission in any way of any part of a trial heard in the absence of a jury unless the jury has been sequestered. This publication ban applies until the jury begins deliberations, unless the judge has extended the ban to include deliberations. A publication ban has been imposed under s. 486.5(1) of the Criminal Code and the court's inherent jurisdiction, restricting the publication, broadcasting or transmission in any way of evidence that could identify a victim/witness referred to in the proceedings as X, Y or Person A. This publication ban applies indefinitely unless otherwise ordered. A publication ban has been imposed pursuant to the court's inherent jurisdiction on all pre-trial proceedings in this matter, in respect to any information provided in written or spoken form, including submissions made, information shared, evidence given, and materials filed, until further order of the court or the conclusion of these proceedings. This publication ban applies indefinitely unless otherwise ordered. File Sealed (In Part) Before: The Honourable Madam Justice Bennett The Honourable Justice Griffin The Honourable Justice Winteringham Supplementary Reasons to: R. v. Teixeira, 2024 BCCA 257, Vancouver Dockets CA49727 and CA49733. Counsel for the Appellant in CA49727: B. Sokhansanj J.I. Katz M. Inuzuka Counsel for the Appellant in CA49733: L.A. Ruzicka, K.C. D. Wiedemann M. Richards Counsel for the Respondent: R. Thirkell R. Mansoori-Dara Counsel appearing as Amicus Curiae: A.K. Kapoor N. Khan Place and Date of Hearing: Vancouver, British Columbia June 26-28, 2024 Place and Date of Judgment: Vancouver, British Columbia July 5, 2024 Written Submissions Received: July 24, 25 and August 2, 2024 Date of Supplementary Judgment: August 30, 2024 Supplementary Reasons of the Court Reasons for Judgment of the Court:

- [1] On July 5, 2024, we issued reasons for judgment on an appeal in relation to s. 37 of the Canada Evidence Act. We allowed the appeal to the extent of adding the following limiting terms to the order made by the trial judge:
- [150] The following conditions should be imposed and should attach to the s. 37(5) disclosure order. We understand that defence counsel does not seek to use the information regarding the location where the call occurred. However, circumstances may change, defence counsel may change, and there is no harm in imposing that condition requested by the appellants. The conditions are as follows:
- a) The defence shall not disclose the name or location of the protected unit to any person without further order of the trial court.
 - b) If, in the course of their inquiries of Other Inmate or Community Member, defence counsel are provided with the names of individuals who were or are housed in the same unit as Witness X and Other Inmate, the defence shall not disclose their names or any information that could identify them to any person, including the respondent, without further order of the trial court.
- [2] The entire point of the addition of the conditions is to provide added protection to cooperating witnesses, while preserving Mr. Teixeira's right to full answer and defence. That is clear from the reasons.
- [3] We have received submissions from the parties as a result of a disagreement with respect to how the order should be drafted. A number of submissions were made regarding our jurisdiction to change our order.
- [4] Mr. Teixeira takes the position that the order permits him personally, apart from his counsel, to use any information they or he receives and is free to make use of that information as he sees fit. Furthermore, he seeks an amendment to the reasons that would permit him to return to this Court to address unforeseen problems. Before addressing the main point, I will deal with addressing unforeseen problems. The reasons are clear, and the order should reflect, that it is for the trial judge to address any further issues arising from this order.
- [5] In response to the position of Mr. Teixeira, the AGC proposed a draft order with the suggested amendments underlined as follows:
- (a) The defence, which includes the respondent and his defence counsel, shall not disclose the name or location of the protected unit to any person without further order of the trial court;

- (b) The respondent himself may only use the disclosed Sensitive Information to instruct or to seek advice from his counsel who, in turn, may pursue inquiries of Other Inmate or Community Member on behalf of the respondent. The respondent himself may not use the disclosed Sensitive Information for any other purpose. For greater clarity and without limiting the generality of the foregoing, "use" includes investigate, share, communicate, distribute, publish, post, transmit or make available in any way;
- (c) If, in the course of their inquiries of Other Inmate or Community Member, defence counsel are provided with names of individuals who were or are housed in the same unit as Witness X and Other Inmate, the defence shall not disclose their names or any information that could identify them to any person, including the respondent, without further order of the trial court.
- [6] The AGBC agrees with the AGC's position and proposed wording to the order.
- [7] In our view, the position taken by Mr. Teixeira is inconsistent with the reasons for judgment. It is apparent that the additional term sought by the AGC is necessary to resolve the outstanding debate with respect to the order. We grant the application by the AGC and invite them to submit the order as drafted.
- [8] We do not see this as a reopening or adjusting of our order, but a matter of settling a disputed order to reflect the intent of the reasons.
- [9] Therefore, the application is granted. "The Honourable Madam Justice Bennett" "The Honourable Justice Griffin" "The Honourable Justice Winteringham"

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/ca/24/03/2024BCCA0314.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-teixeira-2024-bcca-314>

Prepared on 26 October 2026 · Esheria