

CANADA / JUDGMENT

R. v. Terezakis

2005 BCSC 853

COURT

Supreme Court of British Columbia

DECIDED

5 April 2005

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2005 BCSC 853 R. v. Terezakis IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Terezakis, 2005 BCSC 853 Date: 20050405 Docket: 22716 Registry: Vancouver Regina v. Anthony Terezakis Andrew Goosen Sean Craig Casselman Before: The Honourable Madam Justice H. Holmes Ruling on edited portions in Exhibit K (for identification) on Voir Dire April 5, 2005 Counsel for Crown: P.W. Hogg J.S. Kliewer Counsel for Defendant Terezakis: P.A Smith-Gander Counsel for Defendant Goosen: M.A. Nathanson Counsel for Defendant Casselman: D.A Kontou L.J. Helps Place of Trial: Vancouver, B.C.

- [1] THE COURT: I have reviewed Exhibit K (for identification) in the manner described in the reasons I issued yesterday, April 4. Exhibit K is the unedited version of Exhibit J (for identification), and includes material which is blacked-out in Exhibit J which would disclose details of Informant 6's identity.
- [2] I am satisfied that the disclosure provided to the defence following my March 23 ruling (that disclosure being in the form marked as Exhibit J) conforms to the requirement of that ruling.
- [3] I am also satisfied that nothing in Exhibit K which is blacked-out in Exhibit J bears on whether Informant 6 was serving as a police agent at any time or was interested in doing so at a time after the references to that topic in Exhibit J.
- [4] In light of the large amount of editing from Exhibit J, I will say something about the material that is blacked-out.
- [5] In the various reports at the front of Exhibit J (which are described as source debriefing reports and the "OCABC Administration File") the headings that are used throughout the documents fairly describe the content of what follows after the various headings.
- [6] The one possibly ambiguous heading appears as part of the "Operational Plan," and reads, "Friendly Issues". I will say simply that under that heading appear queries and considerations arising from the operational plan in relation to Project Friendly.
- [7] MR. NATHANSON: I'm sorry, My Lady, is that on page 48?

- [8] THE COURT: Yes.
- [9] MR. NATHANSON: Thank you.
- [10] THE COURT: The vast majority of the blacked-out material in Exhibit J consists either of biographical information about Informant 6 or others, or, and this is the bulk of the material, information provided by Informant 6.
- [11] In the debriefing reports and in officers' notes, there are very occasional notes-to-self or queries or items of follow-up investigation, apparently arising from the information provided by Informant 6. Those are very few.
- [12] Finally, I will say for the record that Exhibit K has some handwriting or markings on it, but those are not mine. I have made no marks on Exhibit K.
- [13] At the outset of the proceedings this morning I asked Crown counsel about some edits which remain in Exhibit K. Mr. Kliewer explained that those portions remain blacked-out because they relate to unrelated investigations not involving Informant 6. In light of the concerns raised by Mr. Nathanson, I am going to ask Crown counsel to personally review Inspector L.'s notebook with regard particularly to the pages that appear in Exhibit J as pages 92 and 93, but also to any other portions pertaining to this matter, and to advise the court whether or not any of the portions which remain blacked-out in Exhibit K relate in any fashion to this matter or Informant 6. If the advice is that they may either directly or indirectly relate, then we will deal with that matter. If the advice is that they do not, then that will be the end of the matter.
- [14] Unless defence counsel wish to pursue the matter further, I do not understand the concerns to arise in quite the same fashion in relation to Officer M.'s notes and the portions remaining blacked-out in Exhibit J but indicated (by a V1 symbol) to relate to a different investigation or investigations. Mr. Nathanson is nodding in agreement. Other counsel agree? Then that step will not be necessary in relation to those notes.
- [15] Is that something that can be done reasonably soon?
- [16] MS. KLIEWER: Yes, My Lady.
- [17] THE COURT: Thank you. "H. Holmes, J." The Honourable Madam Justice H. Holmes June 24, 2008 - Revised Judgment This Oral Ruling on Edited Portions in Exhibit K (for identification) on Voir Dire of Madam Justice H. Holmes dated April 5, 2005 has been edited for publication purposes pursuant to the Inherent Jurisdiction of the Court.

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