

CANADA / JUDGMENT

# R. v. Titchener

2009 BCSC 981

## COURT

Supreme Court of British Columbia

## DECIDED

11 June 2009

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2009 BCSC 981 R. v. Titchener IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Titchener, 2009 BCSC 981 Date: 20090611 Docket: 145823-1-K 145829-1 Registry: Victoria Between: Regina Respondent And Richard Gordon Titchener Appellant Before: The Honourable Mr. Justice Wong Bail review of the decision of The Honourable Associate Chief Justice Neal Oral Reasons for Judgment at Judicial Interim Release Hearing Counsel for the Crown/Respondent: R. Picha Counsel for the Defence/Appellant: D. McKay Place and Date of Trial/Hearing: Victoria, B.C. June 11, 2009 Place and Date of Judgment: Victoria, B.C. June 11, 2009

- [1] THE COURT: Robert Service once said with respect to the Yukon, "Strange things are done indeed under the midnight sun", but this may surpass it.
- [2] This is a bail review of a detention order imposed by the Honourable Judge Neal after the accused had been charged with two offences. The first one relates to his common-law spouse, Esther Morris, also known as Esther Titchener, which arises from a purported domestic dispute, and there is an allegation of an assault simpliciter for which earlier Mr. Titchener was given interim release. Subsequent to that, there was a further allegation of sexual assault, which in the particulars alleged is tantamount to rape, involving one Jennifer Landsborough. Both women have impaired hearing or basically may well be deaf, and the subsequent charge is a serious one. Understandably, on that basis Judge Neal imposed a detention order on the latter charge and revoked the earlier interim release.
- [3] What is now bizarre is that Mr. Titchener has had a subsequent information laid after Judge Neal's detention order with subsequent allegations of uttering threats to Esther Morris to cause death or bodily harm, committing forgery by sending letters to Esther Morris in the names of other persons and also with a charge of attempting to obstruct, pervert, or defeat the course of justice by threatening a witness.
- [4] In essence, these allegations are a series of letters purportedly from the detention centre where Mr. Titchener is being held, where the writers purportedly are third parties, and there are indeed threats to Esther Morris. Ms. Morris, who is familiar with the writing of Mr. Titchener, has identified the handwriting or printing to be that of Mr. Titchener.

- [5] Although this information has not formally been placed before Mr. Titchener for arraignment, it was brought to my attention in order to assist and not make what I might otherwise decide, had I not known about these further allegations, a result basically academic.
- [6] I think that under the circumstances it would be in the interests of justice to affirm the detention order. What this case really needs is for the trial to be expedited so that many of these allegations can be resolved. I think in fairness to Mr. Titchener, because Mr. McKay, defence counsel, has brought forward some emails purportedly between Mr. Titchener and Ms. Morris and Ms. Landsborough which may cast the credibility of both of these complainants into question, but in light of the latest evidence coming forward which indicates that there may be some substance to threats to Ms. Morris by way of purported letters from third parties authored by Mr. Titchener, I think there is nothing more that the court can do other than to confirm the detention order, and for those reasons Mr. Titchener will remain detained. "The Honourable Mr. Justice Wong"

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