



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

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### Crown Files Appeal from Constitutional Decision

**Victoria** - The Criminal Justice Branch, Ministry of Justice (the “Branch”), announced today that it has filed an appeal with the Court of Appeal for British Columbia, asking that the Court set aside a constitutional decision in *R. v. Boutilier*, 2015 BCSC 901. The appeal has been filed under Court of Appeal number CA42891 (Vancouver).

In *Boutilier*, a British Columbia Supreme Court Justice ruled that the statutory provision which allows someone to be found a “dangerous offender” under the *Criminal Code* is unconstitutional on grounds that it violates the *Charter of Rights and Freedoms*, and cannot be saved (or justified) under s.1. He declared s. 753(1) of the *Criminal Code* constitutionally invalid, but suspended the declaration for one year, which means that it does not take effect in British Columbia until May 29, 2016.

The Branch has reviewed the judgment in this case and, in accordance with its policy on appeals into the Court of Appeal, the Branch is satisfied that: (1) the judgment reveals errors of law; (2) a reasonable argument can be made that the constitutional ruling would not necessarily have been the same if the errors were not made; and (3) the public interest requires an appeal. Ultimately, it will be up to the Court of Appeal to determine whether appellate intervention is available and warranted.

A hearing date for the appeal has not yet been set. As this matter is now before the Court of Appeal, the Branch will not comment further on the specifics of the case.

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