



Policy:

**Trial without jury – section 469 offences**

Policy Code:

**TRI 1**

Effective Date:

January 31, 2025

Cross-references:

[CON 1](#)

An accused charged with a section 469 offence (e.g., murder) must be tried in BC Supreme Court before a jury, unless the accused and the Crown have consented to a judge-alone trial in BC Supreme Court (section 473).

Trial by jury allows public participation in the trial process and can contribute to public confidence in the administration of justice; however, in certain cases, trial by judge alone may lead to a more efficient, timely, and orderly trial process.

The advantages of trial by judge alone in certain cases include:

- more flexibility in responding to scheduling, security, and logistical challenges
- minimization of trial delay
- a more efficient trial process (e.g., by eliminating the need to repeat *voir dire* evidence)
- elimination of the need for complex jury instructions and resulting appeals, especially when there are difficult legal issues (e.g., mental disorder)
- the availability of reasons for judgment explaining the verdict

Crown Counsel should consider the above-mentioned factors on a case-by-case basis and seek the consent of the Attorney General when a judge-alone trial would be in the interests of justice (*Consent of the Attorney General* ([CON 1](#))).

When faced with an application by the accused for a change of venue with respect to an offence listed in section 469, Crown Counsel should consider whether the consent of the Attorney General to trial by judge alone would address the concerns about the ability of the accused to have a fair trial in the community where the offence is alleged to have taken place.