



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

October 21, 2013

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Crown Files Appeals in Two Cases

Victoria - The Criminal Justice Branch, Ministry of Justice, announced today that it has filed appeals on behalf of the Crown with the Court of Appeal for British Columbia in two separate cases. Each case has attracted public attention and/or engages matters of public interest and the Branch considers it appropriate to provide a status update.

1. R. v. Andelina Kristina Hecimovic - Court of Appeal File CA041297 (Vancouver)

British Columbia Supreme Court (New Westminster) File X76149-2

On September 18, 2013 Ms Hecimovic was found not guilty on two charges of Dangerous Driving Causing Death. On October 17, 2013 the Crown filed an Appeal against the acquittals that were entered in the case. The Crown alleges that the trial judge made a legal error by applying an incorrect legal standard in determining whether the accused was guilty of the offences. The Crown will ask the Court of Appeal to set aside the acquittals and to order a new trial for Ms Hecimovic.

2. R. v. Douglas Archer McPherson - Court of Appeal File CA041122

British Columbia Supreme Court (Victoria) File 155911-2

On August 14, 2013 the Crown filed an Application for Leave to Appeal and Appeal against Sentence in this case. The respondent previously pleaded guilty to a charge of robbery and on July 19, 2013 was sentenced to 2 years less a day in jail and 3 years probation. The Crown alleges that the sentencing judge erred by failing to impose a sentence which was appropriate taking into account the nature of the offence, the background of the offender and the need to protect the public. The Crown will ask that Court of Appeal impose a significantly longer prison sentence.

Branch Vision

Courageous, Fair and Efficient – A Prosecution Service that has the Confidence of the Public.

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In accordance with Criminal Justice Branch policy, the Crown will generally only initiate an appeal from acquittal, a dismissal of charges or a judicial stay of proceedings where:

1. the basis for an appeal involves a question of law alone;
2. a reasonable argument can be made that the verdict would not necessarily have been the same if the error in law had not been made; and
3. the public interest requires an appeal.

The Branch initiates an appeal from sentence when it has concluded, in light of the facts of the case and the applicable law, that a reasonable basis can be advanced for seeking a variation of the sentence imposed.

A copy of the Branch's Policy on appeals can be found at:

<http://www.ag.gov.bc.ca/prosecution-service/>.

In each case the Court of Appeal will ultimately decide whether the Crown's appeal should be allowed. No hearing date has yet been confirmed for Hecimovic appeal. The McPherson appeal is scheduled to be heard on December 3, 2013 in Victoria. As the matters are now before the Court of Appeal, the Criminal Justice Branch will make no further comment.

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To learn more about B.C.'s criminal justice system visit the British Columbia Prosecution Service website:

<http://www.ag.gov.bc.ca/prosecution-service/>

or Justice B.C. :

www.justicebc.ca/en/cjis/index.html