



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

November 27, 2013

13 - 30

### Stay of Proceedings Directed in Care Home Death

**Victoria** - In August 2013, John "Jack" Daymouth Furman was charged with second degree murder in the death of William May. Both Mr. Furman and Mr. May were residing in a care facility in Vernon. The Criminal Justice Branch (the "Branch") has concluded that a prosecution against Mr. Furman is no longer required in the public interest. As such, the murder charge was stayed by Crown Counsel in court on November 27, 2013.

In assessing whether to initiate a criminal prosecution, the Branch applies a two part test. Crown Counsel must be satisfied that the available evidence, as gathered by the relevant investigative agency, provides a substantial likelihood of conviction for the offence that is alleged to have occurred. If so, a prosecution must also be required in the public interest. Where charges are approved, Crown Counsel has a continuing obligation to review the matter to ensure that the prosecution remains viable and that both parts of the charge assessment standard are met.

On August 18, 2013, shortly before 11:00 p.m., members of the Vernon R.C.M.P. detachment were dispatched to a residential care facility after staff called 911 to report that resident John "Jack" Furman had assaulted William "Bill" May. The two men shared a room. Mr. Furman was 94 years of age. Mr. May was 85. When police and ambulance personnel arrived at the scene, it was learned that Mr. May had died of his injuries.

Mr. Furman was taken into custody and based on the information available at the time, Crown Counsel approved a charge of second degree murder against him. The evidence indicated that Mr. Furman caused the death of Mr. May; however, it was clear from the outset that Mr. Furman's mental state at the time of the alleged offence would be a significant issue at any trial. On the evidence available to Crown Counsel, it appeared that the assault occurred while Mr. Furman was in a delusional state arising out of his advanced dementia.

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### ***Branch Vision***

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

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The evidence gathered by police indicates that although Mr. Furman suffered from dementia, he was able to remain in his own home, with the aid of community resources, up until he was admitted to the residential care facility only 10 days prior to the incident in question. According to the information provided by police, there was no history of aggressive behaviour on his part, either during his time in the care facility or while living on his own in the community.

Shortly after his arrest, Mr. Furman was placed in a medical facility. Since that time he has remained there as part of his judicial interim release on the murder charge, receiving psychiatric and medical care.

Crown Counsel has had the opportunity to review additional psychiatric and medical evidence, which has become available since the time of Mr. Furman's arrest. The evidence supports a conclusion that, should the criminal proceedings continue, Mr. Furman would likely be found unfit to stand trial within the meaning of the Criminal Code. He remains confused and disoriented as to both his current circumstances and the circumstances of the incident in question. According to the evidence, his condition is unlikely to improve.

Mr. Furman's physical health is also frail and the Branch has been advised that he will remain in a medical facility with measures available to address any risk that he might present to other patients, to staff or to himself.

Given the current state of Mr. Furman's physical health; the fact that he has advanced dementia and is likely not fit to stand trial; and the fact that steps have been taken to address any safety risk he might present, the Branch has concluded that the public interest no longer requires his prosecution in the death of William May.

In reaching this decision, the Criminal Justice Branch fully appreciates the seriousness of the alleged offence, as well as the tragic loss experienced by the family of William May.

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