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BC Prosecution Service files appeal of stay of proceedings in R v Bacon

Victoria – The BC Prosecution Service (BCPS) announced today that the Crown has filed an appeal with the Court of Appeal for British Columbia asking that the court set aside the stay of proceedings ordered by the BC Supreme Court in *R v James Kyle Bacon*. Mr. Bacon had been charged with first degree murder and conspiracy to commit the murder of Corey Lal, one of six people who died on October 19, 2007 at the Balmoral Tower building in Surrey.

In an abbreviated ruling released on December 1, 2017, the BC Supreme Court announced that an application for a stay of proceedings to terminate the prosecution brought by Mr. Bacon had been granted, and the two charges on the indictment have been judicially stayed.

The BC Prosecution Service has reviewed the decision of the court and in accordance with the BCPS policy on appeals to the Court of Appeal, is satisfied that: (1) the ruling reveals errors of law; (2) a reasonable argument can be made that the ruling would not necessarily have been issued if the errors were not made; and (3) the public interest requires an appeal.

On the appeal, the BCPS will be asking that the stay of proceedings be set aside and that a new trial be ordered. Although the fact of the appeal is public, it is anticipated that further filings with the court as well as some or all of the appeal proceedings will be sealed or closed to the public, given the nature of the ruling under appeal.

As the matter is now under appeal and remains the subject of a sealing order, there will be no further comment by the BCPS on the circumstances of the case, the decision under appeal, or the grounds for the appeal.

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