



June 14, 2018

18-15

## BC Prosecution Service announces appeal of dangerous driving causing death acquittal

**Victoria** - The BC Prosecution Service (BCPS) announced today that the Crown has filed an appeal of the acquittal of Ken Chung of a charge alleging dangerous driving causing the death of Alphonsus Hui contrary to section 249 of the *Criminal Code*. The BCPS is seeking a ruling from the Court of Appeal for British Columbia that the acquittal be set aside, a conviction substituted as originally charged or, in the alternative, a new trial ordered. The trial proceeded against Mr. Chung on January 29, 2018. Mr. Chung was acquitted on May 25, 2018.

BCPS determines whether to initiate an appeal in any particular case by considering the file as a whole against the BCPS appeal policy. That policy can be found here:

[www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/app-1.pdf](http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/app-1.pdf)

The BCPS has reviewed the decision of the court in this case and, in accordance with BCPS policy, 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.

As the matter is now under appeal 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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