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24-23

BC Prosecution Service announces decision on review of charge assessment involving a fatal collision

Victoria – The BC Prosecution Service (BCPS) announced today that it has conducted a senior-level review of the charge assessment decision that was made on November 25, 2024, in relation to a fatal collision that occurred on November 29, 2023, in Kamloops. The BCPS will continue with a prosecution under the *Motor Vehicle Act*.

The circumstances of this case are tragic. One young adult lost his life, and two others were catastrophically injured.

The BCPS reviewed the Report to Crown Counsel submitted by the Kamloops RCMP detachment in relation to this investigation and conducted a charge assessment in accordance with our *Charge Assessment Guidelines* ([CHA 1](#)). Pursuant to these guidelines, in order to proceed with a prosecution, Crown Counsel must be satisfied there is a substantial likelihood of conviction, and if so, that the public interest requires a prosecution. In this case, the presence of a public interest is undeniable.

After an extensive investigation by the RCMP, the available evidence supports proceeding with two charges under the *Motor Vehicle Act* (MVA), driving without due care and attention under section 144(1)(a) and driving without reasonable consideration for others under section 144(1)(b), but not charges under the *Criminal Code*.

In assessing the likelihood of conviction, Crown Counsel must always consider the evidence gathered by the investigation and the viability of relevant defences, with reference to the jurisprudence from our courts. The Supreme Court of Canada has provided guidance on the *Criminal Code* offence of dangerous driving in the leading cases of [R. v. Beatty](#), and [R. v. Roy](#), as has the BC Court of Appeal in [R. v. Jiang](#). These cases make it clear that the Crown's burden to prove the accused's mental state is not diminished by how devastating the consequences of the driving behaviour are. It would not serve the justice system, the victims, nor the public for the Crown to pursue charges that are not supported by the available evidence.

As is generally the case with police investigations, only a portion of the evidence has made its way into the public domain. As such, the facts reported in the media and shared publicly are

incomplete and present only a partial picture of what had to be considered. The BCPS has reviewed the entire investigative file, and the applicable law, and made an objective assessment of the evidence, as we are obligated to do.

Consistent with the CHA 1 policy, a Deputy Regional Crown Counsel was consulted on the initial charge assessment. The Regional Crown Counsel for the Interior region has now reviewed this matter, including the investigative file and applicable law, and concluded that MVA charges are the only charges that meet the BCPS charge assessment standard, and that the charge assessment decision was made with diligence and objectivity.

These charges were laid on a long-form Information (not traffic tickets, as reported by some media). This will result in proceedings in provincial court before a judge.

With the pending MVA prosecution, the BCPS will not disclose details of the evidence in the police investigative file to the public other than in the court proceedings themselves so as not to jeopardize the outcome and to respect the role of the judiciary.

The courtroom will be open to members of the public and the media to see and hear the evidence presented. The first appearance to set dates in relation to Kamloops provincial court file 115325-1 is on December 23, 2024, at Kamloops Law Courts.

As this matter is now before the court, the BCPS will have no further comment.

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