

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: ***R. v. Pickton,***  
2006 BCSC 1800

Date: 20061204  
Docket: X065319  
Registry: New Westminster

REGINA

v.

ROBERT WILLIAM PICKTON

Before: The Honourable Mr. Justice Williams

**Ruling Re: Publication Ban With Respect to Jurors  
and the Jury Selection Proceedings**

[1] Twelve members of the community will soon be called upon to serve as jurors in the trial of Robert William Pickton. Jury service is a valuable contribution to our society and an important civic duty. While it is a sacrifice we expect members of the community to make from time to time, the sacrifice that will be required of these particular jurors will be especially onerous. The duration of the trial will be long, the evidence will be complex and, at times, challenging, and the proceedings will be the subject of intense public and media scrutiny and attention.

[2] Those persons who are selected to sit as jurors in this case are entitled to a reasonable measure of privacy. Their hands will be full without having to contend with the glare of attention that will focus on this trial and the possibility that others might seek them out and attempt to discuss the case or otherwise influence them. I am satisfied that reasonable steps to guard their privacy will legitimately assist them in performing their obligations as jurors and, thus, are necessary for the proper administration of justice. To that end, I have concluded that certain orders with respect to the identity of the jurors and the jury selection process are warranted. I wish to make it very clear that there have been no suggestions whatsoever that the jurors face any safety concerns. My sole purpose in imposing publication restrictions is to enable the jurors to perform their duties with a sensible measure of privacy.

[3] Consideration of a publication ban requires balancing the open court principle, and the concomitant right of the media to publish information about court proceedings, on the one hand with measures that are necessary to ensure the proper administration of justice on the other. I have endeavoured to respect the

principles established in *Dagenais v. Canadian Broadcasting Corporation* (1994), 94 C.C.C. (3d) 289 (S.C.C.), and the order that I have fashioned here is intended to minimally impair the rights of the media, while at the same time putting in place measures that are necessary to prevent a real and significant risk to the fair trial process.

[4] In light of the foregoing, I order the following restrictions on publication:

- a. There shall be no publication or broadcast in any medium, including the Internet, of the identity of any juror or any information that could disclose their identity.
- b. There shall be no publication of the substance of the jury selection proceedings during the phase that commences on December 11, 2006 and continues until 12 jurors and two alternate jurors have been selected. Without limiting the generality of the foregoing, there shall be no publication of the comments of the Court, the submissions of counsel, the questions put to the jurors, and the jurors' responses to those questions. This ban on publication does not apply to a general description of the proceedings consistent with the ruling regarding the jury selection procedure, *R. v. Pickton*, 2006 BCSC 1799. It also does not apply to the number of persons called and processed on each day, and the number of jurors selected on each day.

[5] For the purposes of this order, "juror" means any person who has been summonsed and appears as a member of the jury panel in the present proceedings. For greater clarity, this definition includes those persons who are selected from the jury panel to serve as jurors or alternate jurors in this trial.

[6] Once the 12 jurors and two alternate jurors have been selected, I intend to dissolve the ban with respect to the substance of the jury selection proceedings described in para. 4(b) above.

[7] Although I have taken the step of specifically ordering that the identity of any juror or any information that could disclose their identity shall not be published or broadcast, it does not seem to me that there is anything unusual in the notion that jurors will be afforded a proper measure of privacy. There is a longstanding practice in this jurisdiction that the names and other information that would tend to identify those who serve on criminal juries are not published. That is entirely consistent with the established notion of how the criminal trial process should function, and is reflective of the responsible approach that the members of the media have brought to this matter and, indeed, in my view, generally bring to the reporting of criminal trials.

[8] The **Criminal Code** provides for publication restrictions regarding the identity of jurors in ss. 631 (3.1) and (6). I have declined to make my order under those provisions because I do not think it necessary to do so to meet the needs of this case. Instead, I have relied upon this Court's inherent jurisdiction, its residual fund of powers upon which it may draw when it is just or equitable to do so to ensure the observance of due process and trial fairness.

[9] This order was made on the Court's own motion in light of the circumstances that prevail here. No notice was given to the parties or to the media. However, this Ruling will be released in sufficient time that if those affected are minded to challenge the order, submissions can be made before the events to which it applies have occurred.

"J. Williams, J."  
The Honourable Mr. Justice J. Williams