

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

*HMTQ v. Pickton*,  
2005 BCSC 836

Date: 20050608  
Docket: No. 65319-2  
Registry: New Westminster

Between:

**HER MAJESTY THE QUEEN**

**RESPONDENT**

And

**ROBERT WILLIAM PICKTON**

**APPLICANT**

Before: The Honourable Mr. Justice Williams

**BAN ON PUBLICATION PURSUANT TO SECTION 648(1)**

## **Ruling re: Application for Publication Ban**

Counsel for the Crown

Counsel for the Accused

Counsel for CBC, Global TV and City TV

Counsel for CTV, Tom Walters and the  
Globe & Mail

Counsel for the Vancouver Sun, the Province  
and BCTV News

M. Petrie  
D. Prevett, Q.C.  
P. Ritchie  
P. McGowan  
D. Burnett  
H. Maconachie  
M. Skene

R. Anderson

Date and Place of Trial/Hearing:

May 25 – 26, June 3, 2005  
New Westminster, B.C.

## Summary

[43] Mr. Pickton's application for a publication ban as set out in his Notice of Motion filed May 25, 2005 and amended June 3, 2005 is denied.

[44] Section 648(1) of the *Criminal Code* applies to these proceedings and is automatically engaged without an order to that effect by this Court.

[45] "Broadcast" as that term is used in s. 648(1) applies to the posting of information on the Internet. In the event I am wrong in this regard, however, I would exercise my common law jurisdiction to order a ban in the same terms as s. 648(1) with respect to the posting of information on the Internet.

[46] In order that the intent of s. 648(1) may be most fully achieved, I order, pursuant to this Court's common law jurisdiction, that there be no publication or broadcast by any means, including the Internet, of information that would tend to identify websites or other sources from which prohibited information about these proceedings can be accessed, including, but not limited to, the names and addresses of any such websites and sources.

[47] I further issue the following directions:

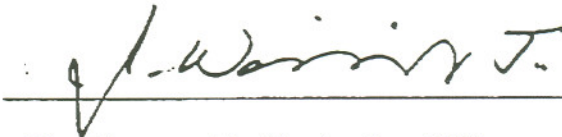
- a. Future applications regarding restrictions on publication will be governed by the following protocol:
  - i. Where reasonably possible, counsel seeking publication restrictions will provide two days clear notice to members of the media who have expressed interest in receiving such notice;

ii. Notice may be perfected by email distribution of the notice of application and copies of any supporting affidavits; and

iii. Where notice is not reasonably possible, the Court will limit any orders respecting publication restrictions to interim orders to expire upon a fixed date unless continued following a hearing to which appropriate notice has been provided.

b. The terms of s. 648(1) of the *Criminal Code* together with the order set out in paragraph 46 of this Ruling will be posted at the entrances to the courtroom and any locations where a live feed of the proceedings is transmitted.

[48] This application may be renewed if circumstances warrant. This Court will be vigilant in protecting Mr. Pickton's right to a fair trial and will treat failure to comply with publication restrictions seriously.

A handwritten signature in black ink, appearing to read "J. Williams J.", is written above a horizontal line.

The Honourable Mr. Justice Williams