

Vancouver Registry

BRITISH COLUMBIA COURT OF APPEAL

REGINA

APPELLANT

V.

ROBERT WILLIAM PICKTON

RESPONDENT

**NOTICE OF APPEAL
(Crown Appeal Against Acquittal)**

Gregory J. Fitch, Q.C.
Ministry of Attorney General
Criminal Appeals
6th Floor, 865 Hornby Street
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TAKE NOTICE that the Appellant appeals against the acquittal of the respondent on the six counts of first degree murder upon grounds involving a question of law alone.

The grounds for appeal are:

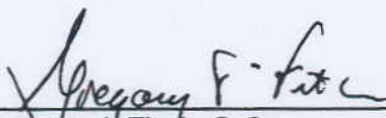
1. THAT the learned trial judge erred in law by directing that the counts on the indictment be severed and that the trial proceed on only six of the 26 counts on the indictment, namely, Counts 1, 2, 6, 7, 11 and 16;
2. THAT the learned trial judge erred in law in his instruction to the jury on the use and value of the similar fact evidence in relation to the issue of whether the murders were planned and deliberate;
3. THAT the learned trial judge erred in law by failing to instruct the jury that the post-offence conduct they found to be attributable to the respondent, specifically, the dismemberment and disposal of the victims' remains was relevant to the issue of planning and deliberation;
4. THAT the learned trial judge erred in law by excluding evidence tendered as extrinsic similar fact in his ruling on Application No. 43, 2006 BCSC 1447;
5. THAT the learned trial judge erred in law by excluding evidence tendered as extrinsic similar fact in his ruling on Application No. 49, 2006 BCSC 1601;
6. THAT the learned trial judge erred in law by reversing his initial ruling admitting the Jane Doe bones evidence as extrinsic similar fact (Application No. 40, 2006 BCSC 1477) and thereby excluding this evidence in his ruling on Application No. 82, 2007 BCSC 1293;
7. UPON such further or other grounds as counsel may advise.

The relief sought is:

1. THAT the acquittals be set aside and a new trial on 26 counts of first degree murder be ordered or, in the alternative, such further or other relief as this Honourable Court deems just and appropriate.

The Appellant's address for service is: 6th Floor, 865 Hornby Street, Vancouver, British Columbia, V6Z 2G3.

DATED this 7th day of January, 2008.



Gregory J. Fitch, Q.C.

Solicitor on behalf of the Appellant, Attorney General of the Province of British Columbia for the purpose of bringing the within appeal.
6th Floor, 865 Hornby Street, Vancouver, B.C.

TO: The Registrar, Court of Appeal,
800 Smithe Street, Vancouver, B.C.

AND TO: Robert William PICKTON, the Respondent herein