

**File No: 53553-1
Registry: Vernon**

In the Provincial Court of British Columbia

REGINA

v.

DENNIS LAWRENCE HARRISON

**REASONS FOR JUDGMENT
OF
THE HONOURABLE JUDGE HEWSON**

COPY

Crown Counsel:	L. McPheeters
Appearing on his own behalf:	D. Harrison
Place of Hearing:	Vernon, B.C.
Date of Judgment:	April 29, 2021

[1] **THE COURT:** Madam Clerk, these are reasons for judgment on Court File 53553-1.

[2] Dennis Lawrence Harrison is charged on or about the 28th day of March, 2019, at or near Vernon, in the Province of B.C., with assaulting Jonathan Harrison, a peace officer engaged in the execution of that officer's duty, contrary to s. 270(1)(a) of the *Criminal Code*. Mr. Harrison pleaded not guilty and a trial commenced.

[3] On the trial, a number of witnesses testified. They included the complainant, Jonathan Harrison; Vince McKenzie [phonetic], a 20-year security professional employed at the Vernon Library; a Mr. Knopp [phonetic] who was an instructor working with some students on the second floor of the library and was able to videotape part of the incident; Mr. Quick [phonetic] who was approaching the scene on foot from the west; and Ms. Wenger [phonetic] who was approaching the scene on foot from the south.

[4] The issues on the trial were relatively straightforward. They were, first, whether or not Jonathan Harrison was a peace officer; second, whether he was in execution of his duty; and third, whether he was assaulted. Mr. Harrison's position was that the Crown had failed to prove any of those essential elements beyond a reasonable doubt. In addition, he said that the Crown had failed to prove the element of mens rea or guilty mind. He made a number of arguments about the lawfulness of locking up a bike to a bike stand. Those arguments were not helpful because that had nothing to do with the charge that he was facing. He made arguments about discrimination against the homeless and the treatment of homeless

people in Vernon. Again, those arguments were of no assistance because they were not relevant to the charge that he is facing.

[5] The evidence given by Mr. Harrison was that he was a bylaw officer and had been called to the library on March the 28th to respond to a complaint about a bike that had been abandoned. When he arrived, he found the bicycle in question or what he believed to be the bicycle in question, and was preparing to put a note on it. The notice was a notice that would remain on the bike for 24 hours and the intent was to advise the owner of the bike that the bike needed to be moved. The bike was not going to be moved on March the 28th.

[6] Vince McKenzie, the security guard, came out of the library and spoke to the bylaw officer. Mr. McKenzie and Mr. Harrison, the bylaw officer, had words with each other. Neither appeared to have appreciated the other's position and Mr. McKenzie left.

[7] Immediately after that, the accused, Dennis Harrison, came out of the library. Various witnesses who testified for the Crown all gave evidence with respect to parts of what happened next. Their evidence as a group was credible, and I find it to be reliable. I recognize that any of the witnesses may have gotten peripheral details wrong, but the core of their evidence is consistent and establishes what happened.

[8] Mr. Harrison, the accused, has argued that there was a conspiracy to entrap him. I note that most of these witnesses were unconnected and unknown to each other, and I could detect no sense that any of them were biased on any meaningful way against Mr. Harrison. Vince McKenzie was asked about discrimination and bias against homeless people at the library. He said that at the Vernon Library they did

not discriminate against the homeless, alcoholics, addicts, lawyers, or politicians.

[9] The evidence of the various witnesses establishes that when the accused, Mr. Harrison, approached the bylaw officer, they spoke to each other briefly. At the end of that brief conversation, the accused struck the bylaw officer in the upper chest or the lower jaw with a straight arm. As he did that, he had crumpled up the bylaw notice in his other hand and threw it to the ground. After the blow to the chest or chin of the bylaw officer, the accused and the bylaw officer struggled with each other. Their struggle took them out into the middle of the street next to the library and then back towards the sidewalk. Vince McKenzie called this part of the incident the "dance of combat."

[10] During this part of the incident, the accused had grabbed the bylaw officer by the vest and was swinging at the bylaw officer with his free hand. This part of the incident, the "dance of combat" part, was captured by Mr. Knopp on video from the second floor of the library. That video was marked as an exhibit.

[11] When the accused and the complainant got back closer to the sidewalk again, the bylaw officer threw the accused over his hip and to the ground. The two men wrestled with each other on the ground. According to the bylaw officer, the accused stuck his finger inside the bylaw officer's cheek and pulled his head back. The bylaw officer characterized this move as a fishhook.

[12] According to several of the witnesses, the accused got his free arm around the bylaw officer's neck and started to choke him. The bylaw officer said he was having difficulty breathing. The fight ended when the bylaw officer was able to free his pepper spray from his utility belt and was able to fire a blast over his shoulder.

He apparently did not get the accused, but he did hit Mr. McKenzie who retreated back into the library. The bylaw officer suffered a torn rotator cuff, a torn bicep, and a cut in his cheek which required stitches.

[13] Mr. Harrison, in his submissions, advanced a claim that the Crown had failed to prove beyond a doubt that he had the necessary guilty mind. I am satisfied that the presumption that people intend the natural consequence of their acts should apply and that Mr. Harrison can be found to have intended to touch the complainant starting with the push to the chest or chin and continuing with the blows and the wrestling and the fishhook and the choking.

[14] Mr. Harrison advanced arguments about the lawfulness of locking up a bike in the place that it was locked up. I find that those arguments have no impact on the essential elements of this matter and I will not discuss them further.

[15] He said that the bylaw officer was not in execution of his duty because it is unreasonable to say that the bicycle was on a highway. The word "highway" is defined in the *Community Charter*. It means a way open to public use. The bicycle was on a way open to public use and, for that reason, it was on a highway. The officer was in the execution of his duties when he encountered Mr. Harrison.

[16] Mr. Harrison next argues that the Crown has failed to prove beyond a doubt that Jonathan Harrison was a peace officer. The accused says this is because it does not say "peace officer" on his business card or on his stationary or on his uniform or on his vehicle. He points out that the bylaw officer did not have a gun or a badge and he claims that s. 2 of the *Criminal Code* which defines "peace officer" is unconstitutional.

[17] I cannot accept any of these arguments. Section 2 defines a person in a position like Jonathan Harrison's as a peace officer, and I find that the Crown has proven that Jonathan Harrison was a peace officer engaged in his duty at the time of the incident.

[18] The accused advances a number of other arguments. They included intimidation, harassment, evidence tampering, a failure to prosecute other bylaw officers at his request, the alleged conspiracy to entrap him into committing crimes that I referred to earlier, the conduct of the City in rounding up the poor, as Mr. Harrison characterized it. He says that the bylaws in the *Community Charter* are as unconstitutional as s. 2 of the *Criminal Code* is for reasons of arbitrariness, vagueness, and overbreadth. I find that none of his arguments have merit.

[19] He argued self-defence or defence of property. There is no way that what Mr. Harrison did was close to reasonable and I reject his self-defence arguments.

[20] Finally, he suggests that he was acting as an automaton. There is no evidentiary basis for that submission and I reject it, as well.

[21] It follows that I find Dennis Lawrence Harrison guilty of the offence charged.

(REASONS CONCLUDED)