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BC Rail trial delayed again, and again

The jury in the BC Rail trial was sent away by Associate Chief Justice Anne MacKenzie on September 30, not to return until October 12.

The ostensible cause of this unexpected delay was that Brian Kenning, currently undergoing cross-examination by defence counsel, was unavailable to attend the trial. According to second-hand gossip from reliable sources, through no fault of his own he had to attend a birthday party in Toronto.

Kenning, a BC Rail director at the time of the sale and the second Crown witness, had been on the stand since September 13; his direct examination by the Crown lasted one day, and since then he has been subjected to eight days of cross-examination. Like Martyn Brown, the first witness, he has been unable to recall essential details about the sale of BC Rail.

Kenning was recently renominated to the Board of BC Ferries Services Inc, the provincially-owned ferry system.

With the jury absent, the existing publication ban is in effect. It is known that the court met on October 5 (without the jury) to discuss technical matters, but these cannot be reported.

Representing the Crown, the Special Prosecutor has suggested that he might find it necessary to reduce the witness list in order to complete the trial by the current target date of next March. Originally, the Crown had suggested that it might call over 40 witnesses.

Over the past few weeks, the trial has been adjourned for two days because of juror injuries and illnesses, and a further two days because Dave Basi, one of the accused, got the flu.

The start of the trial was delayed five years until May 17, 2010, and has also suffered a further week's delay at the beginning of June due to the illness of Aneal Basi, another of the accused. The third accused, Bobby Virk, is in apparent good health.

All concerned with the trial had a two month summer recess (holiday) this year. ☞

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