

CANADA / JUDGMENT

Cochrane v. R.

[1978] 1 SCR 972**COURT**

Supreme Court of Canada

DECIDED

12 December 1977

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Cochrane v. R. Collection Supreme Court Judgments Date 1977-12-12 Report

[1978] 1 SCR 972 Judges Laskin, Bora; Martland, Ronald; Ritchie, Roland Almon; Spence, Wishart Flett; Pigeon, Louis-Philippe; Dickson, Robert George Brian; Beetz, Jean; Estey, Willard Zebedee; Pratte, Yves On appeal from British Columbia Subjects Criminal law Decision Content Supreme Court of Canada Cochrane v. R., [1978] 1 S.C.R. 972 Date: 1977-12-12 Robert James Cochrane Appellant; and Her Majesty The Queen Respondent. 1977: December 12. Present: Laskin C.J. and Martland, Ritchie, Spence, Pigeon, Dickson, Beetz, Estey and Pratte JJ. ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA Criminal law—Charge of possession of housebreaking instruments—Accused tried and convicted under predecessor of present s. 309(1) of the Criminal Code, R.S.C 1970, c. C-34 [re-en. 1972, c. 13, s. 25]—Offence differently formulated under former section—Conviction quashed. APPEAL from a judgment of the Court of Appeal for British Columbia[1], dismissing the appellant's appeal from his conviction for possession of house-breaking instruments, contrary to s. 309(1) of the Criminal Code. Appeal allowed and conviction quashed. S. Goldberg, for the appellant. A.M. Stewart, for the respondent. The judgment of the Court was delivered orally by. THE CHIEF JUSTICE—We do not need to hear you in reply Mr. Goldberg. We are all of the opinion that the appeal should be allowed and the conviction quashed. It appears from the trial judge's reasons that he tried and convicted the accused under the predecessor of the present s. 309(1) of the Criminal Code under which the offence was differently formulated; and his report to the Court of Appeal candidly recognized the merit of the grounds of appeal to that Court. Having come to the conclusion on these grounds that the conviction should be quashed, it is unnecessary for us to consider any of the other points raised in argument. The appeal is accordingly allowed and the conviction is quashed. Judgment accordingly. Solicitor for the appellant: S. Goldberg, Vancouver. Solicitor for the respondent: A.M. Stewart, Vancouver.

[1] [1977] 1 W.W.R. 446, 33 C.C.C. (2d) 549.

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