

CANADA / JUDGMENT

Duane v. The Queen

[1985] 2 SCR 612

COURT

Supreme Court of Canada

DECIDED

18 December 1985

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Duane v. The Queen Collection Supreme Court Judgments Date 1985-12-18 Report

[1985] 2 SCR 612 Case number 18719 Judges Dickson, Robert George Brian; Beetz, Jean; McIntyre, William Rogers; Chouinard, Julien; Lamer, Antonio; Wilson, Bertha; Le Dain, Gerald Eric On appeal from Alberta Subjects Criminal law Notes SCC Case Information: 18719 Decision Content Duane v. The Queen, [1985] 2 S.C.R. 612 Rita Rae Duane Appellant; and Her Majesty The Queen Respondent. File No.: 18719. 1985: December 18. Present: Dickson C.J. and Beetz, McIntyre, Chouinard, Lamer Wilson and Le Dain JJ. on appeal from the court of appeal for alberta Criminal law -- Possession of counterfeit money -- Elements of offense -- Whether intention to use the counterfeit money as currency an element of the offence -- Criminal Code, R.S.C. 1970, c. C-34, s. 408. Statutes and Regulations Cited Criminal Code, R.S.C. 1970, c. C-34, s. 408. APPEAL from a judgment of the Alberta Court of Appeal (1984), 12 C.C.C. (3d) 368, allowing the Crown's appeal from the acquittal of the accused on a charge of possession of counterfeit money. Appeal dismissed. Alain Hepner, for the appellant. B. W. Duncan, for the respondent. The judgment of the Court was delivered orally by

1. The Chief Justice--We agree with the majority of the Court of Appeal that intention to use the counterfeit money as currency is not an element of the offence and that on the facts of this case the appellant was in possession within the meaning of s. 408 of the Criminal Code . The appeal is dismissed. Judgment accordingly. Solicitors for the appellant: MacPherson & Associates, Calgary. Solicitor for the respondent: Attorney General for Alberta, Edmonton.

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Prepared on 25 October 2026 · Esheria