

CANADA / JUDGMENT

Hubbert v. R.

[1977] 2 SCR 267**COURT**

Supreme Court of Canada

DECIDED

25 March 1977

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Hubbert v. R. Collection Supreme Court Judgments Date 1977-03-25 Report

[1977] 2 SCR 267 Judges Laskin, Bora; Martland, Ronald; Judson, Wilfred; Ritchie, Roland Almon; Spence, Wishart Flett; Pigeon, Louis-Philippe; Dickson, Robert George Brian; Beetz, Jean; de Grandpré, Louis-Philippe On appeal from Ontario Subjects Criminal law Decision Content Supreme Court of Canada Hubbert v. R., [1977] 2 S.C.R. 267 Date: 1977-03-25 Gerald Dennis Hubbert (Plaintiff) Appellant; and Her Majesty The Queen (Defendant) Respondent. 1977: March 25. Present: Laskin C.J. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ. ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO. Criminal law—Appeal—Jury—Challenge for cause—Exercise of discretion by trial judge in respect of attempt to challenge for cause—Defences—Issue of drunkenness. APPEAL from a judgment of the Court of Appeal for Ontario^[1] dismissing an appeal by the appellant against his conviction of non-capital murder. Appeal dismissed. John F. Hamilton, Q.C., and R.G. Thomas, Q.C., for the appellant. R.M. McLeod, for the respondent. The judgment of the Court was delivered orally by THE CHIEF JUSTICE—We do not need to hear you, Mr. McLeod. We agree with the Court of Appeal that the way in which and the grounds on which the trial judge exercised his discretion in respect of the attempt of counsel for the accused to challenge for cause is not open to objection. Further, we do not agree that there was any error in the disposition made by the Court of Appeal on the other grounds of appeal raised in that Court, nor do we think that in the circumstances of the present case there was any error in the failure to direct the jury on the issue of drunkenness. We would add that in our opinion the procedure outlined by the Court of Appeal for dealing with challenges for cause provides a useful guide for trial judges called on to deal with such challenges. The appeal is, accordingly, dismissed. Appeal dismissed. Solicitors for the appellant: John F. Hamilton and Ronald G. Thomas, Toronto. Solicitor for the respondent: The Attorney General for Ontario, Toronto.

[1] (1975), 29 C.C.C. (2d) 279.

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