

CANADA / JUDGMENT

Lavallée v. The Queen

[1977] 2 SCR 626**COURT**

Supreme Court of Canada

DECIDED

17 May 1977

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Lavallée v. The Queen Collection Supreme Court Judgments Date 1977-05-17 Report

[1977] 2 SCR 626 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 Manitoba Subjects Appeal Evidence Decision Content Supreme Court of Canada Lavallée v. The Queen, [1977] 2 S.C.R. 626 Date: 1977-05-17 Allan Frederick Lavallée Appellant; and Her Majesty The Queen Respondent. 1977: May 17. Present: Laskin C.J. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ. ON APPEAL FROM THE COURT OF APPEAL FOR MANITOBA Evidence—Identification evidence—Use of photographs—Sufficient to support conviction. Appeal—Statement to police allowed into evidence—Leave to appeal refused on question whether trial judge erred in law in connection with request for voir dire. APPEAL from a judgment of the Court of Appeal for Manitoba dismissing an appeal by the appellant from his conviction on one charge of break, enter and theft and another of simple theft. Appeal quashed. J.L. Sinclair, for the appellant. J.G. Dangerfeld, for the respondent. The judgment of the Court was delivered orally by THE CHIEF JUSTICE—We are all of the opinion that this appeal should be quashed. We do not think that any question of law arises under Justice O’Sullivan’s dissent on the question of the identification evidence through the use of photographs. At the most, the issue raised in the dissent involves a question of the sufficiency or weight of the evidence. We refuse leave to appeal on the question whether the trial judge had erred in law in connection with the request for a voir dire. This point was not raised before the Manitoba Court of Appeal, and we do not think that, in the circumstances revealed by the record, the point arises in a form that would warrant its consideration here. Judgment accordingly. Solicitors for the appellant: Sinclair, McCulloch, Kress & Jachetta, Winnipeg. Solicitor for the respondent: The Attorney General for Manitoba.

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