

CANADA / JUDGMENT

Lavoie et al. v. R.

[1977] 1 SCR 193**COURT**

Supreme Court of Canada

DECIDED

1 February 1977

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Lavoie et al. v. R. Collection Supreme Court Judgments Date 1977-02-01 Report

[1977] 1 SCR 193 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 Quebec Subjects Criminal law Decision Content Supreme Court of Canada Lavoie et al. v. R., [1977] 1 S.C.R. 193 Date: 1977-02-01 Jean-Paul Lavoie, Marcel Girard, Robert Linteau and Michel Laferrière Appellants; and Her Majesty The Queen Respondent. 1977: February 1. Present: Laskin C.J. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ. ON APPEAL FROM THE COURT OF APPEAL FOR QUEBEC. Criminal law—Non-capital murder—Directed verdict only justified in absence of evidence—Rule in Hodge’s Case not applicable—Criminal Code, R.S.C. 1970, c. C-34, ss. 212, 213, 214, 218. R. v. Paul (1975), 64 D.L.R. (3d) 491, [1977] 1 S.C.R. 181 followed; Hodge’s Case (1838), 2 Lewin 227, 168 E.R. 1136 referred to. APPEAL from a judgment of the Court of Appeal for Quebec[1], setting aside a judgment of the Superior Court of criminal jurisdiction, granting a motion for a directed verdict. Appeal dismissed. André Cartier and Bernard Lapointe, for the appellants. Claude Gagnon, for the respondent. The judgment was delivered orally for the Court by THE CHIEF JUSTICE—It will not be necessary to hear you, Mr. Gagnon. We are all of the opinion that there was no error in the judgment of the Court of Appeal. On the motion by the accused for a directed verdict, the rule in Hodge’s Case[2] does not apply, as this Court held in R. v. Paul[3]. The appeal is dismissed. Appeal dismissed. Solicitors for the appellants: Lapointe & Roy and J.M. Lavoie, Chicoutimi, and A. Cartier, Quebec. Solicitor for the respondent: Claude Gagnon, Chicoutimi.

[1] [1975] C.A. 549.

[2] (1838), 2 Lewin 227, 168 E.R. 1136.

[3] (1975), 64 D.L.R. (3d) 491, [1977] 1 S.C.R. 181.

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