

CANADA / JUDGMENT

McRitchie v. The Queen

[1977] 2 SCR 600**COURT**

Supreme Court of Canada

DECIDED

1 March 1977

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McRitchie v. The Queen Collection Supreme Court Judgments Date 1977-03-01 Report

[1977] 2 SCR 600 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 British Columbia Subjects Criminal law Decision Content Supreme Court of Canada McRitchie v. The Queen, [1977] 2 S.C.R. 600 Date: 1977-03-01 Donald McRitchie Appellant; and Her Majesty The Queen Respondent. 1977: March 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 BRITISH COLUMBIA Criminal law—Charge of unlawful possession of heroin for purpose of trafficking—Alibi evidence raised by accused at close of Crowns case—Crown permitted to call rebuttal evidence—Trial judge subsequently deciding rebuttal evidence not admissible—Court of Appeal holding trial judge's refusal to allow rebuttal evidence was error of law alone—Acquittal set aside and new trial ordered. APPEAL from a judgment of the Court of Appeal for British Columbia reversing appellant's acquittal by Skipp Co.Ct.J. on a charge of possession of a narcotic for the purpose of trafficking. Appeal dismissed. J. Richardson, for the appellant. L.H. McDonald, Q.C., for the respondent. The judgment of the Court was delivered orally by THE CHIEF JUSTICE—We do not need to hear you, Mr. McDonald. We agree with the British Columbia Court of Appeal that there must be a new trial. The appeal is dismissed. Appeal dismissed. Solicitors for the appellant: Oliver, Waldock & Richardson, Vancouver. Solicitor for the respondent: D.S. Thorson, Ottawa.

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