

CANADA / JUDGMENT

R. v. Anderson

[1977] 2 SCR 621**COURT**

Supreme Court of Canada

DECIDED

2 March 1977

Source: decisions.scc-csc.ca · Research copy typeset by Esheria. Not court-issued or certified.

R. v. Anderson Collection Supreme Court Judgments Date 1977-03-02 Report

[1977] 2 SCR 621 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 R. v. Anderson, [1977] 2 S.C.R. 621 Date: 1977-03-02 Her Majesty The Queen Appellant; and Thomas David Norman Anderson Respondent. 1977: March 2. 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—Information—Alleged nullity first raised in Court of Appeal—Validity of information not open to Court of Appeal. APPEAL from a judgment of the Court of Appeal for British Columbia^[1], allowing respondent's appeal against his conviction on a charge of unlawful assault causing bodily harm. Appeal allowed. B.R.D. Smith, for the appellant. D.D. Owen-Flood, 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 allowed, the judgment of the British Columbia Court of Appeal should be set aside and the conviction restored. Assuming that, as a result of the evidence, the information on which the accused Anderson was tried was vulnerable—and we make no finding on this point—no motion was made to quash the information, and the issue of its alleged nullity was only raised for the first time in the Court of Appeal and by an amendment to the notice of appeal. The trial was conducted and completed upon an information valid on its face to which no objection was taken. We do not think that the validity of the information was open to consideration by the Court of Appeal in these circumstances. Judgment accordingly. Solicitors for the appellant: Pearlman & Lindholm, Victoria. Solicitors for the respondent: Owen-Flood, Cox & Turnham, Victoria.

[1] (1976), 14 N.R. 451.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/5861/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-anderson-1977>

Prepared on 26 October 2026 · Esheria