

CANADA / JUDGMENT

R. v. Babinski

[1992] 3 SCR 467**COURT**

Supreme Court of Canada

DECIDED

4 November 1992

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R. v. Babinski Collection Supreme Court Judgments Date 1992-11-04 Report

[1992] 3 SCR 467 Case number 22622 Judges Lamer, Antonio; La Forest, Gérard V.; L'Heureux-Dubé, Claire; Sopinka, John; Iacobucci, Frank On appeal from Ontario Subjects Constitutional law Notes SCC Case Information: 22622 Decision Content R. v. Babinski, [1992] 3 S.C.R. 467 Richard Raymond Babinski Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Babinski File No.: 22622. 1992: November 4. Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka and Iacobucci JJ. on appeal from the court of appeal for ontario Constitutional law -- Charter of Rights -- Admissibility of evidence -- Bringing administration of justice into disrepute -- Violation of right to counsel -- Accused's statement properly excluded. APPEAL from a judgment of the Ontario Court of Appeal (1991), 50 O.A.C. 341, 67 C.C.C. (3d) 187, 8 C.R.R. (2d) 378, allowing the Crown's appeal from the accused's acquittal on a charge of first degree murder* and ordering a new trial. Appeal dismissed. Jack Gemmell, for the appellant. Jay L. Naster, for the respondent. //Lamer C.J.// The judgment of the Court was delivered orally by Lamer C.J. -- We are ready to hand down judgment now. We agree with the Court of Appeal that a new trial should be held on the grounds stated by them, save for that relating to the admissibility of the statement, Justice L'Heureux-Dubé dissenting on this point only. We agree with the trial judge's decision to exclude it. L'Heureux-Dubé J. agrees with the Court of Appeal that the statement was improperly excluded. The appeal is therefore dismissed. Judgment accordingly. Solicitor for the appellant: Jack Gemmell, Toronto. Solicitor for the respondent: The Ministry of the Attorney General, Toronto. * See Erratum [1993] 1 S.C.R. iv

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