

CANADA / JUDGMENT

R. v. Comeau

[1992] 3 SCR 473**COURT**

Supreme Court of Canada

DECIDED

13 November 1992

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R. v. Comeau Collection Supreme Court Judgments Date 1992-11-13 Report

[1992] 3 SCR 473 Case number 22780 Judges L'Heureux-Dubé, Claire; Gonthier, Charles Doherty; Cory, Peter deCarteret; McLachlin, Beverley; Iacobucci, Frank On appeal from Quebec Subjects Criminal law Notes SCC Case Information: 22780 Decision Content R. v. Comeau, [1992] 3 S.C.R. 473 André Ronald Comeau Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Comeau File No.: 22780. 1992: November 13. Present: L'Heureux-Dubé, Gonthier, Cory, McLachlin and Iacobucci JJ. Criminal law -- Conspiracy -- Charge to jury -- Error in charge regarding evidence of conspiracy -- No prejudice to accused. APPEAL from a judgment of the Quebec Court of Appeal, [1992] R.J.Q. 339, 44 Q.A.C. 93, dismissing the accused's appeal from his conviction. Appeal dismissed. Bruno J. Pateras, Q.C., and Sylvia Pateras, for the appellant. Pierre Sauvé, for the respondent. //L'Heureux-Dubé J.// English version of the judgment of the Court rendered orally by L'Heureux-Dubé J. -- We are ready to hand down judgment forthwith. Mr. Justice Cory will pronounce the judgment. Cory J. -- We are substantially in agreement with the majority of the Court of Appeal. The most difficult issue is the first one raised by the appellant, namely the one concerning the validity of the trial judge's charge to the jury regarding the evidence of conspiracy. We all agree that this charge was erroneous. This error did not cause any prejudice to the appellant, however. The essential evidence of the conspiracy was direct, and not hearsay, and it was given by the co-conspirator Bernard Ferro. The trial judge adequately instructed the jury as to the weaknesses and dangers inherent in his testimony. The jury could have convicted the appellant only if it was satisfied beyond a reasonable doubt with the evidence given by Ferro. In these circumstances the verdict would necessarily have been the same, even if the trial judge had not erred in his charge to the jury. This appeal, which comes to us as of right, should be dismissed. Judgment accordingly. Solicitors for the appellant: Pateras & Iezzoni, Montréal. Solicitor for the respondent: Pierre Sauvé, Montréal.

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