

CANADA / JUDGMENT

R. v. Ewert

[1992] 3 SCR 161**COURT**

Supreme Court of Canada

DECIDED

14 October 1992

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R. v. Ewert Collection Supreme Court Judgments Date 1992-10-14 Report

[1992] 3 SCR 161 Case number 22765 Judges La Forest, Gérard V.; L'Heureux-Dubé, Claire; Sopinka, John; Gonthier, Charles Doherty; McLachlin, Beverley On appeal from British Columbia Subjects Criminal law Notes SCC Case Information: 22765 Decision Content R. v. Ewert, [1992] 3 S.C.R. 161 Her Majesty The Queen Appellant v. Jeffrey George Ewert Respondent Indexed as: R. v. Ewert File No.: 22765. 1992: October 14. Present: La Forest, L'Heureux-Dubé, Sopinka, Gonthier and McLachlin JJ. on appeal from the court of appeal for british columbia Criminal law -- Appeal -- Powers of Court of Appeal -- Error of law -- Court of Appeal having no jurisdiction to set aside conviction since there was no error of law -- Appeal allowed and conviction restored. APPEAL from a judgment of the British Columbia Court of Appeal (1991), 68 C.C.C. (3d) 207, 5 B.C.A.C. 265, 11 W.A.C. 265, setting aside the accused's conviction on a charge of attempted murder. Appeal allowed and conviction restored. Elizabeth Bennett, for the appellant. Simon R. Buck, for the respondent. //La Forest J.// The judgment of the Court was delivered orally by La Forest J. -- The Court is ready to hand down judgment. The judgment will be pronounced by Mr. Justice Sopinka. //Sopinka J.// Sopinka J. -- This is an appeal as of right based on the dissenting reasons of Southin J.A. The only issue before us is whether the majority of the Court of Appeal found an error of law which gave the Court of Appeal jurisdiction to allow the appeal. In our opinion, the majority disagreed with the trial judge as to the weight of evidence. We, therefore, agree with Southin J.A. that there was no question or error of law. The appeal is allowed and the conviction is restored. Judgment accordingly. Solicitors for the appellant: Wilson & Buck, Vancouver. Solicitor for the respondent: The Attorney General of British Columbia, Vancouver.

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