

CANADA / JUDGMENT

R. v. J.C.H.

2005 BCCA 149

COURT

British Columbia Court of Appeal

DECIDED

9 March 2005

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2005 BCCA 149 R. v. J.C.H. COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. J.C.H., 2005 BCCA 149 Date: 20050309 Docket: CA032122 Between: Regina Respondent And J.C.H. (Y.C.J.A.) Appellant Before: The Honourable Mr. Justice Esson The Honourable Madam Justice Newbury The Honourable Mr. Justice Hall Oral Reasons for Judgment B.D. Levine Counsel for the Appellant G.D. McKinnon, Q.C. Counsel for the Respondent Place and Date: Vancouver, British Columbia 9 March 2005

[1] ESSON J.A.: This is an appeal from a conviction by a Provincial Court judge on a charge of robbery. The first ground of appeal is that the verdict is unreasonable in that the evidence was not capable of founding a conclusion of guilt. The Crown in its factum has conceded that the evidence could not support that finding and that the verdict therefore was unreasonable and has conceded that the appropriate outcome is to enter a verdict of acquittal. There is a second ground of appeal to which I need not refer. We have read the factums and transcript.

[2] Having regard to the matters which I have mentioned, I would allow the appeal and enter a verdict of acquittal.

[3] NEWBURY J.A.: I agree.

[4] HALL J.A.: I agree. (discussion with counsel)

[5] ESSON J.A.: There will be an order extending the time for filing the notice of appeal. "The Honourable Mr. Justice Esson"

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