

CANADA / JUDGMENT

R. v. Murtaza

2021 SCC 4

COURT

Supreme Court of Canada

DECIDED

21 January 2021

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R. v. Murtaza Collection Supreme Court Judgments Date 2021-01-21 Neutral citation 2021 SCC 4 Report

[2021] 1 SCR 12 Case number 39134 Judges Wagner, Richard; Abella, Rosalie Silberman; Moldaver, Michael J.; Karakatsanis, Andromache; Côté, Suzanne; Brown, Russell; Kasirer, Nicholas On appeal from Alberta Notes SCC Case Information Decision Content SUPREME COURT OF CANADA Citation: R. v. Murtaza, 2021 SCC 4, [2021] 1 S.C.R. 12 Appeal Heard: January 21, 2021 Judgment Rendered: January 21, 2021 Docket: 39134 Between: Muneeb Murtaza Appellant and Her Majesty The Queen Respondent Coram: Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown and Kasirer JJ. Judgment Read By: (paras. 1 to 2) Wagner C.J. Majority: Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté and Kasirer JJ. Dissent: Brown J.

r. v. murtaza Muneeb Murtaza Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Murtaza 2021 SCC 4 File No.: 39134. 2021: January 21. Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown and Kasirer JJ. on appeal from the court of appeal of alberta Criminal law — Evidence — Admissibility — Identification — Accused charged with trafficking in cocaine and possession of proceeds of crime — Undercover police officer testifying at trial that accused was person who sold him cocaine three years before trial — Undercover officer's identification evidence based on recollection revived by review of video of drug transaction and still photo made from video showing drug dealer's face — Surveillance officer also testifying that person who was arrested was same individual as drug dealer he observed during operation — Trial judge convicting accused — Majority of Court of Appeal affirming conviction — Dissenting judge would have ordered new trial on basis that trial judge should have conducted voir dire to determine admissibility of identification evidence and should have reviewed video and photo herself — Conviction upheld. APPEAL from a judgment of the Alberta Court of Appeal (Rowbotham, Veldhuis and Wakeling JJ.A.), 2020 ABCA 158, 8 Alta. L.R. (7th) 20, 453 D.L.R. (4th) 550, [2020] A.J. No. 480 (QL), 2020 CarswellAlta 749 (WL Can.), affirming the conviction of the accused for trafficking in cocaine and possession of proceeds of crime. Appeal dismissed, Brown J. dissenting. Dale Wm. Fedorchuk, Q.C., and Ramai L. Alvarez, for the appellant. Janna Hyman and Barbara A. Mercier, for the respondent. The judgment of the Court was delivered orally by

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- [1] The Chief Justice — A majority of the Court would dismiss the appeal substantially for the reasons of Rowbotham J.A. They would simply add that when the evidence of the buy officer and the surveillance officer is considered in conjunction with the concession of defence counsel that the person arrested on July 27, 2015, was the appellant, there was sufficient admissible evidence supporting the trial judge's conclusion that the appellant and the suspect were one and the same.
- [2] Justice Brown would have allowed the appeal substantially for the reasons of Veldhuis J.A. and would have ordered a new trial. Judgment accordingly. Solicitors for the appellant: Kantor, Calgary. Solicitor for the respondent: Public Prosecution Service of Canada, Calgary.
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Prepared on 29 October 2026 · Esheria