

CANADA / JUDGMENT

R. v. Reynolds

2011 SCC 19

COURT

Supreme Court of Canada

DECIDED

28 April 2011

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R. v. Reynolds Collection Supreme Court Judgments Date 2011-04-28 Neutral citation 2011 SCC 19 Report

[2011] 1 SCR 693 Case number 33919 Judges McLachlin, Beverley; Binnie, William Ian Corneil; LeBel, Louis; Deschamps, Marie; Fish, Morris J.; Abella, Rosalie Silberman; Charron, Louise; Rothstein, Marshall; Cromwell, Thomas Albert On appeal from Ontario Subjects Courts Criminal law Notes SCC Case Information: 33919 Decision Content SUPREME COURT OF CANADA Citation: R. v. Reynolds, 2011 SCC 19, [2011] 1 S.C.R. 693 Date: 20110428 Docket: 33919 Between: Her Majesty The Queen Appellant and Gordon Reynolds Respondent Coram: McLachlin C.J. and Binnie, LeBel, Deschamps, Fish, Abella, Charron, Rothstein and Cromwell JJ. Reasons for Judgment: (paras. 1 to 2) The Court R. v. Reynolds, 2011 SCC 19, [2011] 1 S.C.R. 693 Her Majesty The Queen Appellant v. Gordon Reynolds Respondent Indexed as: R. v. Reynolds 2011 SCC 19 File No.: 33919. 2011: April 19; 2011: April 28. Present: McLachlin C.J. and Binnie, LeBel, Deschamps, Fish, Abella, Charron, Rothstein and Cromwell JJ. on appeal from the court of appeal for ontario Courts — Supreme Court of Canada — Jurisdiction — Appeal as of right — Whether appeal raises a question of law — Criminal Code, R.S.C. 1985, c. C-46, s. 693(1) (a). Criminal law — Offences — Elements of offence — Obstructing justice — Whether suggestion of providing false doctor's note was an integral part of overall attempt to dissuade witness from giving evidence by threat or other corrupt means — Criminal Code, R.S.C. 1985, c. C-46, s. 139(3) (a). Held: The appeal should be allowed and the convictions imposed by the trial judge restored. APPEAL from a judgment of the Ontario Court of Appeal (Sharpe, Blair and MacFarland JJ.A.), 2010 ONCA 576, 267 O.A.C. 149, 260 C.C.C. (3d) 35, [2010] O.J. No. 3908 (QL), 2010 CarswellOnt 6911, setting aside the accused's convictions and entering acquittals. Appeal allowed. Deborah Krick, for the appellant. Joseph Di Luca and Kevin Tilley, for the respondent. The following is the judgment delivered by

[1] The Court — We find that the appeal raises a question of law and that the Court has jurisdiction. On the merits, we agree with Blair J.A., dissenting in the Court of Appeal, that [s]uggesting a facile, albeit deceitful, way of accomplishing the desired objective is just as much a part of the “persuasion package” as providing the incentive to carry out the desired objective in the first place. Both form part of the same chain of events designed to convince

Mr. Page not to testify and thus effect the sought-after result. The suggestion of providing a false doctor's note was not simply a logistical detail; it was an integral part of the overall persuasive package. Its purpose was to delay and obstruct the course of justice. (2010 ONCA 576, 267 O.A.C. 149, at para. 68)

- [2] We would allow the appeal and restore the convictions imposed by the trial judge. Appeal allowed. Solicitor for the appellant: Attorney General of Ontario, Toronto. Solicitors for the respondent: Di Luca Copeland Davies, Toronto.

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