

CANADA / JUDGMENT

R. v. S.B.

2017 SCC 16

COURT

Supreme Court of Canada

DECIDED

22 March 2017

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R. v. S.B. Collection Supreme Court Judgments Date 2017-03-22 Neutral citation 2017 SCC 16
Report

[2017] 1 SCR 248 Case number 37042 Judges McLachlin, Beverley; Abella, Rosalie Silberman; Moldaver, Michael J.; Karakatsanis, Andromache; Wagner, Richard; Gascon, Clément; Côté, Suzanne On appeal from Newfoundland and Labrador Notes SCC Case Information: 37042 Decision Content SUPREME COURT OF CANADA Citation: R. v. S.B., 2017 SCC 16, [2017] 1 S.C.R. 248 Appeal heard: March 21, 2017 Judgment rendered: March 21, 2017 Docket: 37042 Between: Her Majesty The Queen Appellant and S.B. Respondent Coram: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ. Reasons for Judgment: (para. 1) McLachlin C.J. (Abella, Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ. concurring) R. v. S.B., 2017 SCC 16, [2017] 1 S.C.R. 248 Her Majesty The Queen Appellant v. S.B. Respondent Indexed as: R. v. S.B. 2017 SCC 16 File No.: 37042. 2017: March 21. Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ. on appeal from the court of appeal for newfoundland and labrador Criminal law — Appeals — Powers of Court of Appeal — Accused acquitted of several counts of assault and sexual assault by jury — Court of Appeal holding that trial judge erred in allowing cross-examination of complainant on prior sexual activity and in denying Crown applications to lead evidence to rebut allegations of recent fabrication — Majority of Court of Appeal finding that jury verdict should not be set aside despite trial judge's errors — Dissenting judge finding that proper remedy is to set aside acquittals and order new trial — New trial ordered on all charges. APPEAL from a judgment of the Newfoundland and Labrador Court of Appeal (Green C.J. and Rowe and White JJ.A.), 2016 NLCA 20, 30 C.R. (7th) 61, 377 Nfld. & P.E.I.R. 84, 1173 A.P.R. 84, 336 C.C.C. (3d) 38, [2016] N.J. No. 158 (QL), 2016 CarswellNfld 183 (WL Can.), affirming the accused's acquittals. Appeal allowed and new trial ordered. Iain R. W. Hollett, for the appellant. Rosellen Sullivan and Michael A. Crystal, for the respondent. The judgment of the Court was delivered orally by

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- [1] The Chief Justice — We would allow the appeal and order a new trial on all the charges, for the reasons of Chief Justice Green. Judgment accordingly. Solicitor for the appellant: Attorney General of Newfoundland and Labrador, St. John's. Solicitors for the respondent: Sullivan Breen King Defence, St. John's; Spiteri & Ursulak, Ottawa.
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