

CANADA / JUDGMENT

R. v. Sawyer

[1992] 3 SCR 809**COURT**

Supreme Court of Canada

DECIDED

2 December 1992

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R. v. Sawyer Collection Supreme Court Judgments Date 1992-12-02 Report

[1992] 3 SCR 809 Case number 22755 Judges Lamer, Antonio; La Forest, Gérard V.; Sopinka, John; Gonthier, Charles Doherty; Cory, Peter deCarteret; McLachlin, Beverley; Iacobucci, Frank On appeal from Ontario Subjects Constitutional law Notes SCC Case Information: 22755 Decision Content R. v. Sawyer, [1992] 3 S.C.R. 809 Wayne T. Sawyer and Phillip R. Sawyer Appellants v. Her Majesty The Queen Respondent and The Attorney General of Canada, the Attorney General of Quebec, and Wes Kirk Interveners Indexed as: R. v. Sawyer File No.: 22755. 1992: December 2. Present: Lamer C.J. and La Forest, Sopinka, Gonthier, Cory, McLachlin and Iacobucci JJ. on appeal from the court of appeal for ontario Constitutional law -- Cruel and unusual punishment -- Criminal law -- Sentencing -- Sentence including mandatory prohibition against possession of firearms or ammunition -- Appellants' employment as stonemasons involving use of explosives and seasonal employment as hunting guides involving use of hunting rifles -- Whether mandatory prohibition cruel and unusual punishment -- Criminal Code, R.S.C., 1985, c. C-46, s. 100 -- Canadian Charter of Rights and Freedoms, s. 12 . Statutes and Regulations Cited Canadian Charter of Rights and Freedoms, s. 12 . Criminal Code, R.S.C., 1985, c. C-46, s. 100 . APPEAL from a judgment of the Ontario Court of Appeal dismissing an appeal from sentence imposed by Kerr J. Appeal dismissed. Mark L. J. Edwards, for the appellants. David Butt and Karen Manarin, for the respondent. William H. Corbett, Q.C., and Robert J. Frater, for the intervener the Attorney General of Canada. Gilles Laporte and Monique Rousseau, for the intervener the Attorney General of Quebec. David E. Harris, for the intervener Wes Kirk (written submission only). //Lamer C.J.// The judgment of the Court was delivered orally by Lamer C.J. -- We are all of the view that s. 100 of the Criminal Code, R.S.C., 1985, c. C-46 , does not offend s. 12 of the Canadian Charter of Rights and Freedoms . Assuming without deciding the availability of constitutional exemptions, we do not feel that this is a proper case where one should be granted. Also assuming without deciding that the appellants may be sentenced under the amended s. 100 , we find that on the facts of this case the result should not have been different. Accordingly, the appeal is dismissed. Judgment accordingly. Solicitors for the appellants: Beard, Winter, Toronto. Solicitor for the respondent: The Attorney General for Ontario, Toronto. Solicitor for the intervener the

Attorney General of Canada: John C. Tait, Ottawa. Solicitor for the intervener the Attorney General of Quebec: The Attorney General of Quebec, Ste-Foy. Solicitors for the intervener Wes Kirk: Carter & Minden, Toronto.

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