

CANADA / JUDGMENT

R. v. Van Haarlem

[1992] 1 SCR 982**COURT**

Supreme Court of Canada

DECIDED

27 April 1992

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R. v. Van Haarlem Collection Supreme Court Judgments Date 1992-04-27 Report

[1992] 1 SCR 982 Case number 22492 Judges La Forest, Gérard V.; Gonthier, Charles Doherty; McLachlin, Beverley; Stevenson, William; Iacobucci, Frank On appeal from British Columbia Subjects Constitutional law Notes SCC Case Information: 22492 Decision Content R. v. Van Haarlem, [1992] 1 S.C.R. 982 Gordon John Van Haarlem Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Van Haarlem File No.: 22492. 1992: April 27. Present: La Forest, Gonthier, McLachlin, Stevenson and Iacobucci JJ. on appeal from the court of appeal for british columbia Constitutional law -- Charter of Rights -- Fundamental justice -- Right to silence -- Evidence of accused's conversation with constable -- Court of Appeal's order to admit evidence not violating accused's s. 7 right to silence -- New trial properly ordered -- Canadian Charter of Rights and Freedoms, s. 7 . Statutes and Regulations Cited Canadian Charter of Rights and Freedoms, s. 7 . APPEAL from a judgment of the British Columbia Court of Appeal (1991), 64 C.C.C. (3d) 543, 135 N.R. 379, allowing an appeal from acquittal by Oppal J. Appeal dismissed. Brian A. Beresh, for the appellant. William F. Ehrcke, for the respondent. The judgment of the Court was delivered orally by //La Forest J.// La Forest J. -- It will not be necessary to hear from you Mr. Ehrcke. The Court is ready to hand down judgment. The judgment will be pronounced by Justice Iacobucci. //Iacobucci J.// Iacobucci J. -- We are all of the view that this appeal, which comes to us as of right, should be dismissed. We agree with the British Columbia Court of Appeal that the appellant's right to silence under s. 7 of the Canadian Charter of Rights and Freedoms was not violated in this case, and that the Court of Appeal committed no error either in concluding that the appellant's conversation with Constable McGimpsey should have been admitted as evidence or in ordering a new trial on the ground that the conversation might, with a reasonable degree of certainty, have affected the verdict. Accordingly, the appeal is dismissed. Judgment accordingly. Solicitors for the appellant: Beresh DePoe Cunningham, Edmonton. Solicitor for the respondent: The Attorney General of British Columbia, Victoria.

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