

CANADA / JUDGMENT

R. v. Wilson

2002 SCC 69

COURT

Supreme Court of Canada

DECIDED

31 October 2002

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R. v. Wilson Collection Supreme Court Judgments Date 2002-10-31 Neutral citation 2002 SCC 69 Report

[2002] 3 SCR 629 Case number 28703 Judges Major, John C.; Bastarache, Michel; Binnie, William Ian Corneil; Arbour, Louise; Deschamps, Marie On appeal from British Columbia Subjects Criminal law Notes SCC Case Information: 28703 Decision Content R. v. Wilson, [2002] 3 S.C.R. 629, 2002 SCC 69 William Christopher Wilson Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Wilson Neutral citation: 2002 SCC 69. File No.: 28703. 2002: October 31. Present: Major, Bastarache, Binnie, Arbour and Deschamps JJ. on appeal from the court of appeal for british columbia Criminal law -- Charge to jury -- Intoxication -- Presumption of intent. APPEAL from a judgment of the British Columbia Court of Appeal (2001), 156 C.C.C. (3d) 74, 154 B.C.A.C. 126, 252 W.A.C. 126, [2001] B.C.J. No. 1190 (QL), 2001 BCCA 391, dismissing the accused's appeal from his conviction of second degree murder. Appeal dismissed. Bradley L. Hickford and Beatrice Curry, for the appellant. Alexander Budlovsky, for the respondent. The judgment of the Court was delivered orally by 1 Major J. – We are all of the view that this appeal as of right should be dismissed. We endorse the reasons of the majority of the B.C. Court of Appeal ((2001), 156 C.C.C. (3d) 74, 2001 BCCA 391) and in particular the reasons of Low J.A. at para. 55 where he states: It might have been better if the trial judge had flagged the issue of intoxication and its effect on both intent and the presumption of intent when he first mentioned the presumption. But the charge, in my opinion, does not suffer the defects found in the other cases including Seymour and R. v. Frechette (1999) 132 C.C.C. (3d) 1 (B.C.C.A.), referred to by my colleague. The trial judge early on related the presumption to “a sane and sober person”. Very soon after that he launched into a clear instruction about the possible effect of intoxication on the application of the presumption. He said: “Before you rely upon this common sense inference, you must consider all of the circumstances, including any evidence of intoxication . . .”. Then he reviewed the evidence on the issue of intoxication. 2 We are not persuaded that the jury might have missed the link between the evidence of intoxication and the possible application of the presumption of intent. Judgment accordingly. Solicitors for the appellant: Purves Hickford Horne & Curry, Victoria. Solicitor for the respondent: The Ministry of the Attorney General, Vancouver.

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