

CANADA / JUDGMENT

Revelle v. R.

[1981] 1 SCR 576**COURT**

Supreme Court of Canada

DECIDED

28 May 1981

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Revelle v. R. Collection Supreme Court Judgments Date 1981-05-28 Report

[1981] 1 SCR 576 Judges Laskin, Bora; Martland, Ronald; Ritchie, Roland Almon; Dickson, Robert George Brian; Estey, Willard Zebedee; McIntyre, William Rogers; Chouinard, Julien; Lamer, Antonio On appeal from Ontario Subjects Criminal law Decision Content Supreme Court of Canada Revelle v. R., [1981] 1 S.C.R. 576 Date: 1981-05-28 Cameron Frederick Revelle (Plaintiff) Appellant; and Her Majesty The Queen (Defendant) Respondent. 1981: March 30; 1981: May 28. Present: Laskin C.J. and Martland, Ritchie, Dickson, Estey, McIntyre, Chouinard and Lamer JJ. ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO. Criminal law—Attempted armed robbery—Unlawful pointing of firearm—Evidence accused in dissociative state as result of combination of factors including brain damage and drunkenness—Defence of non-insane automatism—On appeal, dissociative state considered disease of the mind—No evidence of non-insane automatism to be left with jury—Order for new trial upheld—Criminal Code, R.S.C. 1970, c. C-34 as amended, ss. 83(1)(a), 84(1)(a), 421(a). APPEAL from a judgment of the Court of Appeal for Ontario^[1], reversing a judgment of the Court of General Sessions of the Peace. Appeal dismissed. Alan D. Gold, for the appellant. Douglas C. Hunt, for the respondent. The judgment of the Court was delivered by MARTLAND J.—This appeal is from a judgment of the Court of Appeal for Ontario which allowed an appeal by the respondent from the acquittal of the appellant on three counts alleging an unlawful attempt to rob Stephen Amey, the unlawful use of a firearm while attempting to commit an indictable offence and without lawful excuse pointing a firearm at Samuel Smith. The principal defence advanced on behalf of the appellant was non-insane automatism, although the defences of drunkenness and insanity arose from the evidence. The trial judge left all three defences to the jury. Martin J.A., who delivered the reasons of the Court, concluded that there was no evidence of non-insane automatism to be left with the jury. I am in agreement with his reasons for reaching that conclusion and for directing a new trial. In my opinion, the appeal should be dismissed. Appeal dismissed. Solicitor for the appellant: Alan D. Gold, Toronto. Solicitor for the respondent: The Ministry of the Attorney General for Ontario, Toronto.

[1] (1979), 48 C.C.C. (2d) 267.

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