

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Vokurka, 2014 SCC 22, [2014] 1 S.C.R. 498 | **Date:** 20140321  **Docket:** 35510 |

**Between:**

**Eric Vokurka**

Appellant

and

**Her Majesty The Queen**

Respondent

**Coram:** LeBel, Abella, Rothstein, Moldaver and Karakatsanis JJ.

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| **Reasons for Judgment:**  (paras. 1 to 2) | Abella J. (LeBel, Rothstein, Moldaver and Karakatsanis JJ. concurring) |

R. *v.* Vokurka, 2014 SCC 22, [2014] 1 S.C.R. 498

Eric Vokurka Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.*** Vokurka

2014 SCC 22

File No.: 35510.

2014: March 21.

Present: LeBel, Abella, Rothstein, Moldaver and Karakatsanis JJ.

on appeal from the court of appeal for newfoundland and labrador

*Criminal law — Reasonable verdict — Defences — Accident — Trial judge did not err in concluding that accused intentionally inflicted victim’s injuries — Inferences made in support of trial judge’s verdict reasonably supported by evidence — Basis for excluding possibility of accident adequately explained by trial judge.*

APPEAL from a judgment of the Newfoundland and Labrador Court of Appeal (Welsh, Barry and Hoegg JJ.A.), 2013 NLCA 51, 339 Nfld. & P.E.I.R. 248, 1054 A.P.R. 248, [2013] N.J. No. 267 (QL), 2013 CarswellNfld 286, upholding the accused’s conviction for aggravated assault. Appeal dismissed.

Keir O’Flaherty and Bob Buckingham, for the appellant.

Iain R. W. Hollett, for the respondent.

The judgment of the Court was delivered orally by

[1] Abella J. — The critical issue at trial was whether Mr. Vokurka intentionally inflicted the victim’s injuries. The majority in the Court of Appeal found that the trial judge’s findings of fact, inferences drawn from those facts, and the finding of guilt were reasonable.

[2] The dissenting judge was of the view that the trial judge erred in failing to adequately consider and explain why, in her view, the “equally plausible explanation” supporting the defence of accident was not accepted. We do not agree, and agree instead with the majority that the trial judge adequately explained why he rejected the possibility of accident and found that the charge was proved beyond a reasonable doubt. The trial judge set out the evidence of the victim’s statements, a doctor’s expert evidence about the nature of the wound, and the victim’s reaction to being cut, all of which led him clearly to the view that there was *no* “equally plausible explanation” for the cutting. He reviewed the relevant evidence and set out his reasons for concluding beyond a reasonable doubt that the injuries were intentionally inflicted. His inferences were reasonably supported by the evidence. Like the majority in the Court of Appeal, we see no error on his approach. It was not open to the dissenting judge, with respect, to reweigh the evidence by substituting her own view of it. The appeal is therefore dismissed.

*Judgment accordingly.*

Solicitors for the appellant: Bob Buckingham Law, St. John’s.

Solicitor for the respondent: Attorney General of Newfoundland and Labrador, St. John’s.