

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Lépine, 2014 SCC 65, [2014] 3 S.C.R. 285 | **Date:** 20141016  **Docket:** 35665 |

Between:

Vernon Lepine

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** Abella, Cromwell, Moldaver, Wagner and Gascon JJ.

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| **Reasons for Judgment:**  (paras. 1 to 3) | Cromwell J. (Abella, Moldaver, Wagner and Gascon JJ. concurring) |

r. *v.* lepine, 2014 SCC 65, [2014] 3 S.C.R. 285

Vernon Lepine Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.* Lepine**

2014 SCC 65

File No.: 35665.

2014: October 16.

Present: Abella, Cromwell, Moldaver, Wagner and Gascon JJ.

on appeal from the court of appeal for the northwest territories

Criminal law — Jurors — Charge to jury — Jury sending a written question to trial judge regarding credibility and reasonable doubt after close of evidence but prior to final addresses by counsel and final charge to jury — Trial judge declining to answer question at that time, reminding jurors of the importance of the presumption of innocence and their obligation to keep an open mind, and telling them that issues of credibility would be dealt with in final charge — Accused arguing on appeal that trial judge erred in failing to fully address the question on the day it was asked and that answers to the question during final charge were incomplete — Trial judge committing no error in either response to jury or charge to jury.

APPEAL from a judgment of the Northwest Territories Court of Appeal (Côté, Bielby and Veldhuis JJ.A.), 2013 NWTCA 8, 304 C.C.C. (3d) 143, [2014] 5 W.W.R. 459, 566 A.R. 35, [2013] N.W.T.J. No. 104 (QL), 2013 CarswellNWT 105, affirming the accused’s conviction for sexual assault. Appeal dismissed.

Adam Y. Karbani, for the appellant.

Nicholas E. Devlin and Blair MacPherson, for the respondent.

The judgment of the Court was delivered orally by

1. Cromwell J. ― This appeal as of right comes to us on the dissent of Bielby J.A. in the Court of Appeal of the Northwest Territories.
2. Unlike the majority of the Court of Appeal, we see no reason to be in any way critical of the conduct of defence counsel at trial. However, we are not persuaded that the trial judge’s handling of the jury’s question, either in the timing or content of her response, constituted legal error or gave rise to a miscarriage of justice. The jury was immediately reminded not to deliberate until they had heard the addresses of counsel, and the judge’s charge provided complete and correct legal instructions that were responsive to their question.
3. The appeal is dismissed.

*Judgment accordingly.*

Solicitors for the appellant: Davidson Gregory Danyluik, Edmonton.

Solicitor for the respondent: Public Prosecution Service of Canada, Toronto.