

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Brown, 2017 SCC 10, [2017] 1 S.C.R. 166 | **Appeal heard:** February 20, 2017  **Judgment rendered:** February 20, 2017  **Docket:** 37153 |

Between:

**Her Majesty The Queen**

Appellant

and

Adam Michael Brown

Respondent

**Coram:** Abella, Moldaver, Karakatsanis, Gascon and Rowe JJ.

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

R. *v.* Brown, 2017 SCC 10, [2016] 1 S.C.R. 166

Her Majesty The Queen Appellant

v.

Adam Michael Brown Respondent

**Indexed as:** R. ***v.*** Brown

2017 SCC 10

File No.: 37153.

2017: February 20.

Present: Abella, Moldaver, Karakatsanis, Gascon and Rowe JJ.

on appeal from court of appeal for alberta

*Criminal law — Evidence — Admissibility — Fresh evidence — Accused charged with second degree murder and assault with a weapon following shooting — Accused seeking to adduce new evidence on appeal consisting of statements of witness made at trial of co-accused and to police after accused’s trial and suggesting he was not shooter — Court of Appeal finding that criteria for admission of new evidence met and that new evidence should be admitted — Admission of fresh evidence, setting aside of convictions and order for new trial upheld.*

APPEAL from a judgment of the Alberta Court of Appeal (Berger, McDonald and Bielby JJ.A.), 2016 ABCA 192, 338 C.C.C. (3d) 123, [2016] A.J. No. 640 (QL), 2016 CarswellAlta 1190 (WL Can.), allowing the accused’s application to admit new evidence, setting aside his convictions for second degree murder and assault with a weapon entered by Belzil J., 2010 ABQB 720, [2016] A.J. No. 1370 (QL), 2010 CarswellAlta 2334 (WL Can.), and ordering a new trial. Appeal dismissed.

Troy Couillard, for the appellant.

Daniel J. Song and Vincent Rizzuto, for the respondent.

Thejudgment of the Court was delivered orally by

1. Abella J. — In all the circumstances of this case, we are satisfied that Mr. Sahal’s *K.G.B.* statement was admissible, was reasonably capable of belief, and could reasonably have affected the outcome.
2. The appeal is therefore dismissed.

*Judgment accordingly.*

Solicitor for the appellant: Attorney General of Alberta, Edmonton.

Solicitors for the respondent: Sprake Song & Konye, Vancouver.