

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Lévesque, 2013 SCC 20, [2013] 2 S.C.R. 176 | **Date:** 20130416  **Docket:** 34417 |

**Between:**

**Pierre Lévesque**

Appellant

and

**Her Majesty The Queen**

Respondent

**Official English Translation**

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

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| **Reasons for Judgment:**  (para. 1) | LeBel J. (Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ. concurring) |

R. *v.* Lévesque, 2013 SCC 20, [2013] 2 S.C.R. 176

Pierre Lévesque *Appellant*

v.

Her Majesty The Queen *Respondent*

**Indexed as:  R. *v*. Lévesque**

2013 SCC 20

File No.:  34417.

2013:  April 16.

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

on appeal from the court of appeal for quebec

*Criminal law — Charge to jury — Trial judge giving additional instructions that were incomplete and confusing in response to specific question from jury on being accessory and being party to offence — Jury finding accused guilty — Verdict of guilty set aside and new trial ordered.*

**Statutes and Regulations Cited**

*Criminal Code*, R.S.C. 1985, c. C-46, ss. 21(2), 231(5).

APPEAL from a judgment of the Quebec Court of Appeal (Thibault and Rochette JJ.A. and Viens J. (*ad hoc*)), 2011 QCCA 1203, SOQUIJ AZ-50763975, [2011] Q.J. No. 8124 (QL), 2011 CarswellQue 15728, upholding the accused’s convictions for first degree murder. Appeal allowed.

Sophie Dubé and Caroline Gravel, for the appellant.

*René Verret* and *Jean Campeau*, for the respondent.

English version of the judgment of the Court delivered orally by

1. LeBel J. — The Court is unanimously of the view that the appeal should be allowed. The judge who presided over the appellant’s trial gave, in response to a specific question from the jury on being an accessory and being a party to an offence, additional instructions that were incomplete and confusing. Moreover, although we need not rule on this issue for the purposes of this appeal, the nature of the charges against the appellant raises the question whether it would be possible to base a conviction for first degree murder under s. 231(5) of the *Criminal Code*, R.S.C. 1985, c. C-46, on the accused being a party to the offence within the meaning of s. 21(2). For these reasons, the appeal is allowed, the verdict of guilty is set aside, and the Court orders that a new trial be held in respect of the same charges.

*Judgment accordingly.*

*Solicitors for the appellant:  Stein Monast, Québec.*

*Solicitor for the respondent:  Poursuites criminelles et pénales du Québec, Québec.*