

**SUPREME COURT OF CANADA**

|  |  |
| --- | --- |
| **Citation:** R. *v.* Koczab*,* 2014 SCC 9, [2014] 1 S.C.R. 138 | **Date:** 20140122**Docket:** 35411 |

**Between:**

**Andy Koczab**

Appellant

and

**Her Majesty The Queen**

Respondent

**Coram:** McLachlin C.J. and Abella, Rothstein, Cromwell and Moldaver JJ.

|  |  |
| --- | --- |
| **Reasons for Judgment:**(para. 1) | McLachlin C.J. (Abella, Rothstein, Cromwell and Moldaver JJ. concurring) |

R. *v.* Koczab, 2014 SCC 9, [2014] 1 S.C.R. 138

Andy Koczab Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.*** Koczab

2014 SCC 9

File No.: 35411.

2014: January 22.

Present: McLachlin C.J. and Abella, Rothstein, Cromwell and Moldaver JJ.

on appeal from the court of appeal for manitoba

 *Constitutional law — Charter of rights — Right to be informed of offence charged — Right to counsel — Psychological detention — Trial judge did not err in finding accused psychologically detained and s. 10 Charter rights breached — Breach warranted that evidence be excluded — Canadian Charter of Rights and Freedoms, ss. 10, 24(2).*

 APPEAL from a judgment of the Manitoba Court of Appeal (Chartier C.J.M. and Beard and Monnin JJ.A.), 2013 MBCA 43, 294 Man. R. (2d) 24, 581 W.A.C. 24, [2013] 11 W.W.R. 260, [2013] M.J. No. 160 (QL), 2013 CarswellMan 251, setting aside an acquittal entered by Schulman J., 2011 MBQB 70, 264 Man. R. (2d) 53, 233 C.R.R. (2d) 193, [2011] M.J. No. 106 (QL), 2011 CarswellMan 140, and ordering a new trial. Appeal allowed.

 Sheldon E. Pinx, Q.C.,and Katherine E. Smith, for the appellant.

 Kevin R. Wilson and Janna Hyman, for the respondent.

 The judgment of the Court was delivered orally by

[1] The Chief Justice — The appeal is allowed for the reasons of Monnin J.A., dissenting in the Court of Appeal.

 *Judgment accordingly.*

 Solicitors for the appellant: Pinx & Co., Winnipeg.

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