

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Leinen, 2014 SCC 23, [2014] 1 S.C.R. 500 | **Date:** 20140321  **Docket:** 35531 |

**Between:**

**Her Majesty The Queen**

Appellant

and

**Jeffrey Kevin Leinen**

Respondent

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

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

R. *v.* Leinen, 2014 SCC 23, [2014] 1 S.C.R. 500

Her Majesty The Queen Appellant

v.

Jeffrey Kevin Leinen Respondent

**Indexed as:** R. ***v.*** Leinen

2014 SCC 23

File No.: 35531.

2014: March 21.

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

on appeal from the court of appeal for alberta

*Criminal law — Trial — Charge to jury — Accused convicted of second degree murder and aggravated assault for killing one person and injuring another after driving truck into crowd — Accused invoking involuntary panic response or lack of intent to kill or injure anyone and alleging that trial judge misdirected jury — Court of Appeal ordering new trial on ground that trial judge failed to instruct properly on legal significance of panic attack defence — Charge to jury, read as a whole, containing no reversible error in relation to voluntariness or intent.*

APPEAL from a judgment of the Alberta Court of Appeal (Hunt and McDonald JJ.A. and Hughes J. (*ad hoc*)), 2013 ABCA 283, 83 Alta. L.R. (5th) 29, 556 A.R. 211, 584 W.A.C. 211, 301 C.C.C. (3d) 1, 48 M.V.R. (6th) 1, [2013] A.J. No. 804 (QL), 2013 CarswellAlta 1394, setting aside the accused’s convictions for second degree murder and aggravated assault and ordering a new trial. Appeal allowed and convictions restored.

Josh Hawkes, Q.C., for the appellant.

Jennifer Ruttan and *Karen B. Molle*, for the respondent.

The judgment of the Court was delivered orally by

[1] LeBel J. — We are all of the view that the charge to the jury, read as a whole, contained no reversible error in relation to either voluntariness or intent. For these reasons, the appeal is allowed and the convictions are restored.

*Judgment accordingly.*

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

Solicitors for the respondent: Ruttan Bates, Calgary; Karen B. Molle, Calgary.