

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Meer, 2016 SCC 5, [2016] 1 S.C.R. 23 | **Appeal heard:** January 21, 2016  **Judgment rendered:** January 21, 2016  **Docket:** 36448 |

Between:

Jonathan David Meer

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** McLachlin C.J. and Abella, Cromwell, Moldaver, Karakatsanis, Wagner and Gascon JJ.

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| **Reasons for Judgment:**  (paras. 1 to 4) | McLachlin C.J. (Abella, Cromwell, Moldaver, Karakatsanis, Wagner and Gascon JJ. concurring) |

R. *v.* Meer, 2016 SCC 5, [2016] 1 S.C.R. 23

Jonathan David Meer Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.*** Meer

2016 SCC 5

File No.: 36448.

2016: January 21.

Present: McLachlin C.J. and Abella, Cromwell, Moldaver, Karakatsanis, Wagner and Gascon JJ.

on appeal from the court of appeal for alberta

*Criminal law — Trial — Effective assistance of counsel — Accused challenging competence of his trial counsel — Majority of Court of Appeal correct in rejecting accused’s submissions of ineffective assistance — No miscarriage of justice occurred.*

**Cases Cited**

**Referred to:** *R. v. G.D.B.*, 2000 SCC 22, [2000] 1 S.C.R. 520.

APPEAL from a judgment of the Alberta Court of Appeal (Berger, Slatter and Wakeling JJ.A.), 2015 ABCA 141, 600 A.R. 66, 15 Alta. L.R. (6th) 291, 323 C.C.C. (3d) 98, 645 W.A.C. 66, [2015] 8 W.W.R. 24, [2015] A.J. No. 411 (QL), 2015 CarswellAlta 652 (WL Can.), affirming the convictions entered by Burrows J., 2010 ABQB 768, [2010] A.J. No. 1542 (QL), 2010 CarswellAlta 2548 (WL Can.). Appeal dismissed.

Dale M. Knisely, for the appellant.

Maureen McGuire and Cheryl Schlecker, for the respondent.

The judgment of the Court was delivered orally by

[1] The Chief Justice — This appeal as of right comes to us based on the dissent of Berger J.A. in the Court of Appeal of Alberta. The learned Justice of Appeal was of the view that trial counsel’s conduct of the case (not counsel before us) was “woefully incompetent” and that “it cannot be safely concluded that the appellant received a fair trial”: reasons on appeal, at para. 153 (2015 ABCA 141, 600 A.R. 66).

[2] We are all of the view that the appeal must be dismissed. To succeed in setting aside a trial verdict on the basis of the ineffective assistance of counsel, the appellant must show “first, that counsel’s acts or omissions constituted incompetence and second, that a miscarriage of justice resulted”: *R. v. G.D.B*., 2000 SCC 22, [2000] 1 S.C.R. 520, at para. 26. Aside from finding that “[c]ounsel’s ineffectiveness pertains to critical aspects of the trial”, the learned dissenting Justice did not indicate how the instances which he identified of counsel’s incompetence had occasioned a miscarriage of justice: reasons on appeal, at para. 153.

[3] As this Court noted in *G.D.B.*, miscarriages of justice may take many forms in the context of ineffective assistance of counsel. While the Court of Appeal addressed a wide range of issues, we need comment only on one: we are not persuaded that there was any miscarriage of justice in any of its forms in this case.

[4] The appeal is dismissed.

*Judgment accordingly.*

Solicitors for the appellant: Barr Picard Knisely, Edmonton.

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