

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Robinson, 2017 SCC 52, [2017] 2 S.C.R. 382 | **Appeal heard:** October 30, 2017  **Judgment rendered:** October 30, 2017  **Docket:** 37411 |

Between:

**Benjamin Robinson**

Appellant

and

Her Majesty The Queen

Respondent

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

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| **Reasons for Judgment:**  (para. 1) | Abella J. (Moldaver, Karakatsanis, Wagner, Gascon, Côté and Rowe JJ. concurring) |

R. *v.* Robinson, 2017 SCC 52, [2017] 2 S.C.R. 382

Benjamin Robinson Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.* Robinson**

2017 SCC 52

File No.: 37411.

2017: October 30.

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

on appeal from the court of appeal for british columbia

*Criminal law — Appeals — Unreasonable verdict — Misapprehension of evidence — Accused convicted of perjury — Court of Appeal holding that trial judge’s findings not unreasonable and that trial judge did not misapprehend evidence — Conviction upheld.*

APPEAL from a judgment of the British Columbia Court of Appeal (Newbury, Willcock and Goepel JJ.A.), 2017 BCCA 6, 344 C.C.C. (3d) 176, [2017] B.C.J. No. 33 (QL), 2017 CarswellBC 31 (WL Can.), affirming the conviction entered by Smith J., 2015 BCSC 433, 19 C.R. (7th) 165, [2015] B.C.J. No. 530 (QL), 2015 CarswellBC 714 (WL Can.). Appeal dismissed, Côté J. dissenting.

Elizabeth France and *Michael Sobkin*, for the appellant.

Richard C. C. Peck, Q.C., Eric V. Gottardi and Tony C. Paisana, for the respondent.

The judgment of the Court was delivered orally by

1. Abella J. — A majority would dismiss the appeal substantially for the reasons of the majority in the Court of Appeal. Justice Côté, dissenting, would order a new trial for substantially the reasons of Willcock J.A.

Judgment accordingly.

Solicitors for the appellant: Sugden, McFee & Roos, Vancouver; Michael Sobkin, Ottawa.

Solicitors for the respondent: Peck and Company, Vancouver.