

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Seipp, 2018 SCC 1, [2018] 1 S.C.R. 3 | **Appeal heard:** January 16, 2018  **Judgment rendered:** January 16, 2018  **Docket:** 37513 |

Between:

**Jeffery Thomas Raymond Seipp**

Appellant

and

Her Majesty The Queen

Respondent

- and -

**Director of Public Prosecutions**

Intervener

**Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe and Martin JJ.

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| **Reasons for Judgment:**  (paras. 1 to 3) | Wagner C.J. (Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe and Martin JJ. concurring) |

R. *v.* Seipp, 2018 SCC 1, [2018] 1 S.C.R. 3

Jeffery Thomas Raymond Seipp Appellant

v.

Her Majesty The Queen Respondent

and

Director of Public Prosecutions Intervener

**Indexed as:** R. ***v.*** Seipp

2018 SCC 1

File No.: 37513.

2018: January 16.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe and Martin JJ.

on appeal from the court of appeal for british columbia

*Criminal law — Failure to stop at scene of accident — Elements of offence — Mens rea — Intent to escape civil or criminal liability — Accused involved in accident while driving stolen car and fleeing scene of accident — Defence counsel acknowledging at trial that elements of offence of failure to stop at scene of accident proven by Crown and accused convicted of that offence — Court of Appeal rejecting accused’s claim of ineffective assistance of counsel and holding that “civil or criminal liability” should be broadly interpreted to include any liability, civil or criminal, which might properly arise from operation of motor vehicle at time accident takes place — Court of Appeal finding that driving stolen car when involved in accident and fleeing to avoid detection as driver is sufficiently related to event to be captured by intent of legislation, and that fleeing to avoid arrest as driver of stolen vehicle is not “evidence to the contrary” — Conviction upheld — Criminal Code, R.S.C. 1985, c. C-46, s. 252(1), (2).*

**Statutes and Regulations Cited**

*Criminal Code*, R.S.C. 1985, c. C-46, s. 252(1).

APPEAL from a judgment of the British Columbia Court of Appeal (Smith, Bennett and MacKenzie JJ.A.), 2017 BCCA 54, 344 C.C.C. (3d) 401, 5 M.V.R. (7th) 179, 35 C.R. (7th) 196, [2017] B.C.J. No. 176 (QL), 2017 CarswellBC 226 (WL Can.), affirming the conviction of the accused for failure to stop at the scene of an accident. Appeal dismissed.

Nicholas J. Preovolos, Michael Sobkin and Harry G. Stevenson, for the appellant.

Megan A. Street, for the respondent.

Mark Covan and Eric Marcoux, for the intervener.

The judgment of the Court was delivered orally by

1. The Chief Justice — Mr. Seipp was convicted of the offence of failure to stop at the scene of an accident, contrary to s. 252(1) of the *Criminal Code*, R.S.C. 1985, c. C-46. The British Columbia Court of Appeal upheld his conviction. We would not interfere.
2. We are all of the view that Mr. Seipp’s conviction was not a miscarriage of justice. Mr. Seipp had control of a vehicle involved in an accident. He fled the scene without providing his name or address. In the absence of evidence to the contrary, this was proof of the requisite intent for the offence.
3. The evidence on which Mr. Seipp relies is that he fled the scene to avoid criminal liability for possession of a stolen vehicle. This is not evidence to the contrary. Rather, it is evidence that Mr. Seipp intended to avoid criminal or civil liability from his care, charge, or control of the vehicle involved in the accident. Such an intent falls within the ambit of the *mens rea* established by the expression “intent to escape civil or criminal liability” in s. 252(1). As a result, Mr. Seipp suffered no prejudice from his trial counsel’s admission that the elements of the offence had been made out. For these reasons, the appeal is dismissed.

Judgment accordingly.

Solicitors for the appellant: N.J. Preovolos Law Corporation, New Westminster, B.C.; Michael Sobkin, Ottawa; Harry G. Stevenson, Vancouver.

Solicitor for the respondent: Attorney General of British Columbia, Vancouver.

Solicitor for the intervener: Director of Public Prosecutions, Halifax and Whitehorse.