

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Black, 2018 SCC 10, [2018] 1 S.C.R. 265 | **Appeal heard:** March 13, 2018  **Judgment rendered:** March 13, 2018  **Docket:** 37665 |

Between:

**Omar Black**

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** Wagner C.J. and Karakatsanis, Brown, Rowe and Martin JJ.

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| **Reasons for Judgment:**  (paras. 1 to 4) | Wagner C.J. (Karakatsanis, Brown, Rowe and Martin JJ.concurring) |

R. *v.* Black, 2018 SCC 10, [2018] 1 S.C.R. 265

Omar Black Appellant

v.

Her Majesty The Queen Respondent

**Indexed as:** R. ***v.*** Black

2018 SCC 10

File No.: 37665.

2018: March 13.

Present: Wagner C.J. and Karakatsanis, Brown, Rowe and Martin JJ.

on appeal from the court of appeal for ontario

*Criminal law — Trial — Judgments — Reasons for judgment — Sufficiency of reasons — Unclaimed suitcase containing cocaine found at airport after arrival of accused’s flight — Accused’s name on identification tags of suitcase and accused’s DNA on sock found in suitcase — Accused convicted of importing cocaine — Court of Appeal affirming conviction — Dissenting judge holding that trial judge failed to make finding of fact as to whether accused knew about cocaine in suitcase — Trial judge’s reasons failing to fulfil function of permitting effective appellate review — New trial ordered.*

**Statutes and Regulations Cited**

*Controlled Drugs and Substances Act*, S.C. 1996, c. 19, s. 6(1).

APPEAL from a judgment of the Ontario Court of Appeal (Weiler, Hourigan and Pardu JJ.A.), 2017 ONCA 599, [2017] O.J. No. 3683 (QL), 2017 CarswellOnt 10794 (WL Can.), affirming the conviction entered by André J., 2016 ONSC 3754, [2016] O.J. No. 3490 (QL), 2016 CarswellOnt 10438 (WL Can.). Appeal allowed.

David Butt and Maija Martin, for the appellant.

Kevin R. Wilson and Sarah Egan, for the respondent.

The judgment of the Court was delivered orally by

1. The Chief Justice — Mr. Black was convicted at trial of importing cocaine into Canada, contrary to s. 6(1) of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19. His appeal against conviction was dismissed by a majority of the Court of Appeal for Ontario, Justice Pardu dissenting.
2. Mr. Black appeals to this Court as of right.
3. We agree with Justice Pardu that the trial judge’s reasons, even when read as a whole and in the context of the trial record, fail to reveal the basis on which the trial judge concluded that the Crown had proven the mental element of the offence beyond a reasonable doubt. The reasons fail to fulfil the function of permitting effective appellate review.
4. The appeal is therefore allowed, and a new trial is ordered.

*Judgment accordingly.*

Solicitors for the appellant: David Butt, Toronto; Maija Martin, Toronto.

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