

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v*. Shlah, 2019 SCC 56,  [2019] 4 S.C.R. 136 | **Appeals Heard:** November 15, 2019  **Judgment Rendered:** November 15, 2019  **Dockets:** 38661, 38677 |

**Between:**

**Assmar Ryiad Shlah**

Appellant

and

**Her Majesty The Queen**

Respondent

**And Between:**

**Franz Emir Cabrera**

Appellant

and

**Her Majesty The Queen**

Respondent

**Coram:** Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe and Kasirer JJ.

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| **Reasons for Judgment:**  (paras. 1 to 2) | Moldaver J. (Abella, Karakatsanis, Côté, Brown, Rowe and Kasirer JJ. concurring) |

r. *v.* shlah

**Assmar Ryiad Shlah** *Appellant*

*v.*

**Her Majesty The Queen** *Respondent*

- and -

**Franz Emir Cabrera** *Appellant*

*v.*

**Her Majesty The Queen** *Respondent*

**Indexed as: R. *v.* Shlah**

**2019 SCC 56**

File Nos.: 38661, 38677.

2019: November 15.

Present: Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe and Kasirer JJ.

on appeal from the court of appeal for alberta

*Criminal law — Charge to jury — Co-principal liability — Unreasonable verdict — Victim beaten and stabbed to death by group of people — Accused both convicted by jury of second degree murder for participation in assault — Court of Appeal holding that charge to jury did not disclose reviewable error as it adequately addressed various paths to liability — Court of Appeal holding that it was open to jury to conclude that accused were liable either as principals or as co-principals in assault and acted with requisite intent for murder — Verdicts not unreasonable — Convictions upheld.*

APPEALS from a judgment of the Alberta Court of Appeal (Fraser C.J. and Veldhuis and Schutz JJ.A.), 2019 ABCA 184, 442 D.L.R. (4th) 368, 95 Alta. L.R. (6th) 258, [2019] A.J. No. 614 (QL), 2019 CarswellAlta 914 (WL Can.), affirming the convictions of the accused for second degree murder. Appeals dismissed.

*Balfour Q. H. Der*, *Q.C.*, and *James O. Wyman*, for the appellant Assmar Ryiad Shlah.

*Gavin Wolch* and *Agathon Fric*, for the appellant Franz Emir Cabrera.

*Iwona Kuklicz*, *Brian Graff* and *Rajbir Dhillon*, for the respondent.

The judgment of the Court was delivered orally by

1. Moldaver J. — The appeals are dismissed substantially for the reasons of Chief Justice Fraser. We agree with the majority of the Court of Appeal that the charge to the jury does not disclose a reviewable error, and the jury’s verdicts were not unreasonable.
2. However, we do not endorse para. 27 of the majority’s reasons to the extent it may be taken as suggesting that the reviewing court must identify an extricable error as a precondition to concluding that the jury’s verdict was unreasonable. A determination that the jury’s verdict was unreasonable is itself an error of law warranting appellate intervention.

*Judgment accordingly.*

*Solicitors for the appellant Assmar Ryiad Shlah: Der Barristers, Calgary.*

*Solicitors for the appellant Franz Emir Cabrera: Wolch Watts Wilson & Jugnauth, Calgary.*

*Solicitor for the respondent: Attorney General of Alberta, Calgary.*