

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Blacklaws, 2013 SCC 8, [2013] 1 S.C.R. 403 | **Date:** 20130215  **Docket:** 34889 |

**Between:**

**Her Majesty The Queen**

Appellant

and

**Fredrick Owen Blacklaws**

Respondent

**Coram:** McLachlin C.J. and Fish, Abella, Rothstein and Moldaver JJ.

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| **Reasons for Judgment:**  (para. 1) | McLachlin C.J. (Fish, Abella, Rothstein and Moldaver JJ. concurring) |

R. *v.* Blacklaws, 2013 SCC 8, [2013] 1 S.C.R. 403

Her Majesty The Queen Appellant

v.

Fredrick Owen Blacklaws Respondent

**Indexed as:** R. ***v.*** Blacklaws

2013 SCC 8

File No.: 34889.

2013: February 15.

Present: McLachlin C.J. and Fish, Abella, Rothstein and Moldaver JJ.

on appeal from the court of appeal for british columbia

*Criminal law — Procedure — Application to sever counts — Charges arising from two separate incidents involving different complainants — Crown charging the counts relating to both incidents on same indictment — Trial judge dismissing application to sever counts — Majority of Court of Appeal ordering new trial on basis that denial of severance resulted in injustice — Trial judge did not act unjudicially in denying severance application — Denial of severance application not resulting in injustice.*

APPEAL from a judgment of the British Columbia Court of Appeal (Finch, Newbury and Levine JJ.A.), 2012 BCCA 217, 260 C.R.R. (2d) 351, 93 C.R. (6th) 83, 285 C.C.C. (3d) 132, 322 B.C.A.C. 107, 549 W.A.C. 107, [2012] B.C.J. No. 980, 2012 CarswellBC 1457, setting aside the accused’s convictions for forcible confinement, overcoming resistance to commission of an offence, sexual assault causing bodily harm and assault causing bodily harm, and ordering a new trial. Appeal allowed.

Susan J. Brown, for the appellant.

Brent R. Anderson and Lawrence D. Myers, Q.C., for the respondent.

The following is the judgment delivered orally by

1. The Chief Justice — We are all of the view that the appeal should be allowed, for the reasons of Chief Justice Finch.

*Judgment accordingly.*

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

Solicitors for the respondent: Myers, McMurdo & Karp, Vancouver.