

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Taylor, 2013 SCC 10, [2013] 1 S.C.R. 465 | **Date:** 20130222  **Docket:** 34934 |

**Between:**

**Her Majesty The Queen**

Appellant

and

**Peter Garfield Taylor**

Respondent

**Coram:** Fish, Abella, Rothstein, Cromwell and Moldaver JJ.

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

R. *v.* Taylor, 2013 SCC 10, [2013] 1 S.C.R. 465

Her Majesty The Queen Appellant

v.

Peter Garfield Taylor Respondent

**Indexed as:** R. ***v.*** Taylor

2013 SCC 10

File No.: 34934.

2013: February 22.

Present: Fish, Abella, Rothstein, Cromwell and Moldaver JJ.

on appeal from the court of appeal for newfoundland and labrador

*Criminal law — Evidence — Assessment — Accused convicted of sexually assaulting and forcibly confining a minor* *— Accused’s son testifying for defense at trial — Trial judge rejecting evidence of son as being fabrication — Court of Appeal quashing convictions and ordering new trial — Majority of Court of Appeal holding that trial judge erred in rejecting evidence provided by accused’s son and in misapprehending trial evidence as a whole — Trial judge not erring in rejecting evidence or in assessment of evidence as a whole.*

APPEAL from a judgment of the Newfoundland and Labrador Court of Appeal (Welsh, Rowe and Hoegg JJ.A.), 2012 NLCA 33, 323 Nfld. & P.E.I.R. 62, 94 C.R. (6th) 339, 288 C.C.C. (3d) 268, [2012] N.J. No. 202 (QL), 2012 CarswellNfld 196, setting aside the accused’s convictions for sexual assault and forcible confinement and ordering a new trial. Appeal allowed, Fish and Cromwell JJ. dissenting.

Vikas Khaladkar, for the appellant.

Derek J. Hogan, for the respondent.

The following is the judgment delivered orally by

1. Fish J. — The appeal is allowed for the reasons given by Hoegg J.A. in the Court of Appeal and the conviction entered by the trial judge is restored. Fish and Cromwell JJ., dissenting, would have affirmed the judgment of the Court of Appeal ordering a new trial.

*Judgment accordingly.*

Solicitor for the appellant: Attorney General of Newfoundland and Labrador, St. John's.

Solicitor for the respondent: Newfoundland and Labrador Legal Aid Commission, St. John's.