

**SUPREME COURT OF CANADA**

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| **Citation** : R. *v*. Kociuk, 2012 SCC 15, [2012] 1 S.C.R. 529  | **Date** : 20120412**Docket** : 34517 |

Between:

Robert Joseph Kociuk

Appellant

and

Her Majesty The Queen

Respondent

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

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

R. *v*. Kociuk, 2012 SCC 15, [2012] 1 S.C.R. 529

Robert Joseph Kociuk *Appellant*

v.

Her Majesty The Queen *Respondent*

**Indexed as:  R. *v*. Kociuk**

2012 SCC 15

File No.:  34517.

2012:  April 12.

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

on appeal from the court of appeal for manitoba

 *Criminal law — Charge to jury — Murder while committing sexual assault — Trial judge adequately relating evidence to elements of the offence — Trial judge’s charge as a whole satisfactorily informing jury of relevant issues and theory of defence — Trial judge not required to put forward speculative fact scenarios of fanciful or far-fetched nature that were not raised by counsel.*

 APPEAL from a judgment of the Manitoba Court of Appeal (Hamilton, Chartier and Beard JJ.A.), 2011 MBCA 85, 270 Man. R. (2d) 170, 524 W.A.C. 170, [2011] M.J. No. 340 (QL), 2011 CarswellMan 518, upholding the accused’s conviction for first degree murder. Appeal dismissed.

 Leonard J. W. Tailleur, for the appellant.

 *Ami Kotler*, for the respondent.

 The judgment of the Court was delivered orally by

1. The Chief Justice — We agree that the appeal should be dismissed for the reasons of the majority of the Court of Appeal of Manitoba.

 *Judgment accordingly.*

 *Solicitor for the appellant:  Legal Aid Manitoba, Winnipeg.*

 *Solicitor for the respondent:  Attorney General of Manitoba, Winnipeg.*