

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Hecimovic, 2015 SCC 54, [2015] 3 S.C.R. 483 | **Date:** 20151113  **Docket:** 36260 |

Between:

Andelina Kristina Hecimovic

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** Abella, Cromwell, Moldaver, Karakatsanis, Wagner, Gascon and Brown JJ.

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| **Reasons for Judgment:**  (paras. 1 to 2) | Abella J. (Cromwell, Moldaver, Karakatsanis, Wagner, Gascon and Brown JJ. concurring) |

R. *v.* Hecimovic, 2015 SCC 54, [2015] 3 S.C.R. 483

Andelina Kristina Hecimovic Appellant

v.

Her Majesty The Queen *Respondent*

Indexed as: R. *v*. Hecimovic

2015 SCC 54

**File No.: 36260.**

2015: November 13.

Present: Abella, Cromwell, Moldaver, Karakatsanis, Wagner, Gascon and Brown JJ.

on appeal from the court of appeal for british columbia

*Criminal law — Dangerous operation of motor vehicle — Elements of offence — Mens rea — Trial judge ordering acquittal of accused on two counts of dangerous driving causing death on grounds that mens rea element of offence had not been proven beyond reasonable doubt — Trial judge did not properly consider accused’s conduct in light of all relevant evidence in order to determine whether it was marked departure from requisite standard of care.*

APPEAL from a judgment of the British Columbia Court of Appeal (Tysoe, Garson and Willcock JJ.A.), 2014 BCCA 483, 364 B.C.A.C. 144, 317 C.C.C. (3d) 503, 72 M.V.R. (6th) 58, 625 W.A.C. 144, [2014] B.C.J. No. 3066 (QL), 2014 CarswellBC 3723 (WL Can.), setting aside the acquittal entered by Gropper J., 2013 BCSC 1865, 53 M.V.R. (6th) 60, [2013] B.C.J. No. 2243 (QL), 2013 CarswellBC 3081 (WL Can.), and ordering a new trial. Appeal dismissed, Moldaver and Karakatsanis JJ. dissenting.

Jeffrey Ray, Dimitri Kontou and Roger Thirkell, for the appellant.

Frederick G. Tischler, for the respondent.

The judgment of the Court was delivered orally by

[1] Abella J. — The majority is of the view that the appeal should be dismissed substantially for the reasons of Willcock J.A.

[2] Justices Moldaver and Karakatsanis would allow the appeal substantially for the reasons of Tysoe J.A.

*Judgment accordingly.*

Solicitors for the appellant: Kontou Law Corporation, Vancouver.

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