

SUPREME COURT OF CANADA -- JUDGMENTS IN APPEALS AND LEAVE APPLICATIONS

OTTAWA, 15/11/01. THE SUPREME COURT OF CANADA HAS TODAY DEPOSITED WITH THE REGISTRAR JUDGMENTS IN THE FOLLOWING APPEALS AND APPLICATIONS FOR LEAVE TO APPEAL.

FROM: SUPREME COURT OF CANADA (613) 995-4330

COUR SUPRÊME DU CANADA -- JUGEMENTS SUR POURVOIS ET DEMANDES D'AUTORISATION

OTTAWA, 15/11/01. LA COUR SUPRÊME DU CANADA A DÉPOSÉ AUJOURD'HUI AUPRÈS DU REGISTRAIRE LES JUGEMENTS DANS LES APPELS ET LES DEMANDES D'AUTORISATION D'APPEL SUIVANTS.

SOURCE: COUR SUPRÊME DU CANADA (613) 995-4330

COMMENTS/COMMENTAIRES: comments@scc-csc.gc.ca

APPEALS / APPELS:

(Reasons for judgment will be available shortly at: / Motifs de jugement disponibles sous peu à:
<http://www.scc-csc.gc.ca>)

**27725 ASHKAN JABARIANHA - v. - HER MAJESTY THE QUEEN (B.C.)(Crim.)
 2001 SCC 75 / 2001 CSC 75**

CORAM: Iacobucci, Major, Binnie, Arbour and LeBel JJ.

The appeal is dismissed.

Le pourvoi est rejeté.

27738 HER MAJESTY THE QUEEN - v. - CLAYTON GEORGE MENTUCK - and - ATTORNEY GENERAL OF CANADA, ATTORNEY GENERAL FOR ONTARIO, ATTORNEY GENERAL OF BRITISH COLUMBIA, WINNIPEG FREE PRESS and BRANDON SUN, CANADIAN NEWSPAPER ASSOCIATION (CNA) (Man.) (Crim.) 2001 SCC 76 / 2001 CSC 76

CORAM: The Chief Justice and L'Heureux-Dubé, Gonthier,
Iacobucci, Major, Bastarache, Binnie, Arbour and LeBel JJ.

The appeal is dismissed. The order granting the requested publication ban in full is quashed and the order of Menzies J. dated February 2, 2000 is restored. For calculating the one-year duration of the allowed ban, the date of this order is substituted *proprio motu* for the date Menzies J.'s order was released. This order shall be subject to the supervision of the Manitoba Court of Queen's Bench. The respondent should have his costs in this Court and the court below.

Le pourvoi est rejeté. L'ordonnance accordant l'interdiction totale de publication demandée est annulée et celle que le juge Menzies a rendue le 2 février 2000 est rétablie. Pour le calcul de la durée d'un an de l'interdiction accordée, la date de la présente ordonnance remplace d'office celle du prononcé de l'ordonnance du juge Menzies. L'application de la présente ordonnance est assujettie à la surveillance de la Cour du Banc de la Reine du Manitoba. L'intimé a droit aux dépens en la Cour et dans la cour d'instance inférieure.

28190 THE VANCOUVER SUN - v. - HER MAJESTY THE QUEEN, O.N.E., and THE ATTORNEY GENERAL OF CANADA - and - ATTORNEY GENERAL FOR ONTARIO, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION and CANADIAN NEWSPAPER ASSOCIATION (CNA) (B.C.) (Crim.) 2001 SCC 77 / 2001 CSC 77

CORAM: The Chief Justice and L'Heureux-Dubé, Gonthier,
Iacobucci, Major, Bastarache, Binnie, Arbour and LeBel JJ.

The appeal is allowed. Paragraph (c) of the order of Edwards J. is struck out, the letter "s" and the words "and (c)" are deleted from paragraph (b) of that order, and the remaining ban on publication is declared effective for one year following the release of this judgment. This order shall be subject to the supervision of the Supreme Court of British Columbia.

Le pourvoi est accueilli. L'alinéa c) de l'ordonnance du juge Edwards est radié et, à l'al. b) de cette ordonnance, la mention "aux alinéas a) et c)" est remplacée par "à l'alinéa a)", puis l'interdiction de publication ainsi modifiée est déclarée en vigueur pour un an suivant le prononcé du présent jugement. L'application de la présente ordonnance est assujettie à la surveillance de la Cour suprême de la Colombie-Britannique.

27669 DANIEL MATTHEW NETTE - v. - HER MAJESTY THE QUEEN - and - ATTORNEY GENERAL FOR ONTARIO (B.C.) (Criminal) 2001 SCC 78 / 2001 CSC 78

CORAM: The Chief Justice, L'Heureux-Dubé, Gonthier, Iacobucci, Major, Bastarache, Binnie, Arbour and LeBel JJ.

The appeal is dismissed and the jury's verdict of second degree murder is upheld.

Le pourvoi est rejeté et le verdict de meurtre au deuxième degré prononcé par le jury est confirmé.

APPLICATIONS FOR LEAVE / LES DEMANDES D'AUTORISATION:

28683 Mark Edward George Wells - v. - Her Majesty the Queen (Ont.) (Criminal)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for an extension of time is granted. The application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée. La demande d'autorisation d'appel est rejetée.

28688 Sun Media (Toronto) Corporation - v. - United States of America and D.J.M. (Ont.) (Criminal)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for an oral hearing and the application for leave to appeal are dismissed.

La demande d'audition orale et la demande d'autorisation d'appel sont rejetées.

27584

Alexander MacBain Cameron and Cheryl Dawn Smith - v. - The Attorney General of Nova Scotia, representing Her Majesty the Queen in right of the Province of Nova Scotia, the Minister of Health, the Department of Health and the Administrator and Insured Professional Services (N.S.) (Civil)

CORAM: The Chief Justice, L'Heureux-Dubé, and Bastarache JJ.

The motion for reconsideration of the application for leave to appeal is dismissed with costs.

La demande de réexamen de la demande d'autorisation d'appel est rejetée avec dépens.
