

**SUPREME COURT OF CANADA**

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| **Citation:** R. *c.* D.J.W., 2012 SCC 63, [2012] 3 S.C.R. 396 | **Date:** 20121116  **Docket:** 34623 |

**Between:**

**D.J.W.**

Appellant

and

**Her Majesty The Queen**

Respondent

**Coram:** LeBel, Fish, Rothstein, Cromwell, Moldaver, Karakatsanis and Wagner JJ.

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

R. *v*. D.J.W., 2012 SCC 63, [2012] 3 S.C.R. 396

D.J.W. *Appellant*

v.

Her Majesty The Queen *Respondent*

**Indexed as:  R. *v*. D.J.W.**

2012 SCC 63

File No.:  34623.

2012:  November 16.

Present:  LeBel, Fish, Rothstein, Cromwell, Moldaver, Karakatsanis and Wagner JJ.

on appeal from the court of appeal for british columbia

*Criminal law* *— Aggravated assault — Assault with a weapon — Elements of offence — Accused attempting to circumcise four-year old son — Accused convicted by trial judge of criminal negligence causing bodily harm, but acquitted of aggravated assault and of lesser included offence of assault with a weapon — Court of Appeal entering convictions for aggravated assault and assault with a weapon and entering a stay of conviction for criminal negligence causing bodily harm — All elements of charges against accused had been established.*

APPEAL from a judgment of the British Columbia Court of Appeal (Finch C.J. and Kirkpatrick and Hinkson JJ.A.), 2011 BCCA 522, 314 B.C.A.C. 209, 534 W.A.C. 209, 282 C.C.C. (3d) 352, [2011] B.C.J. No. 2463 (QL), 2011 CarswellBC 3547, setting aside the accused’s acquittal on charges of aggravated assault and assault using a weapon, entering convictions on those charges and entering a stay of the accused’s conviction for criminal negligence causing bodily harm. Appeal dismissed.

Douglas H. Christie, for the appellant.

*Margaret A. Mereigh*,for the respondent.

The judgment of the Court was delivered orally by

1. LeBel J. — We all agree with Hinkson J.A., writing for a unanimous Court of Appeal, that all the elements of the charges against the appellant had been established. We will not comment on whether the charge of assault with a weapon should have been stayed, as this issue was not raised in this Court. Nor do we need, on the specific facts of this case, to rule definitively on whether a circumcision performed by a person without medical training can ever be considered reasonable and in the child’s best interest. For these reasons, the appeal is dismissed.

*Judgment accordingly.*

*Solicitor for the appellant:  Douglas H. Christie, Victoria.*

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