

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* G.M., 2013 SCC 24, [2013] 2 S.C.R. 202 | **Date:** 20130425  **Docket:** 34952 |

**Between:**

**Her Majesty The Queen**

Appellant

and

**G.M.**

Respondent

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

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| **Reasons for Judgment:**  (paras. 1 to 2) | McLachlin C.J. (Fish, Abella, Moldaver and Karakatsanis JJ. concurring) |

R. *v.* G.M., 2013 SCC 24, [2013] 2 S.C.R. 202

Her Majesty The Queen Appellant

*v.*

G.M. Respondent

**Indexed as:** R. ***v.*** G.M.

2013 SCC 24

File No.: 34952.

2013: April 25.

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

on appeal from the court of appeal for newfoundland and labrador

*Criminal law — Appeal — Fresh evidence — Accused convicted of incest and sexual assault — On appeal, accused seeking to provide affidavit evidence demonstrating that defence counsel provided ineffective assistance at trial — Court of Appeal allowing appeal, setting aside trial judge’s decision and ordering new trial — Defence counsel’s conduct of trial did not result in omissions and decisions which, when added together, had effect of undermining reliability of convictions such that accused suffered miscarriage of justice — Convictions restored.*

APPEAL from a judgment of the Newfoundland and Labrador Court of Appeal (Wells, Welsh and Hoegg JJ.A.), 2012 NLCA 47, 1009 A.P.R. 1, 325 Nfld. & P.E.I.R. 1, 289 C.C.C. (3d) 361, [2012] N.J. No. 243 (QL), 2012 CarswellNfld 238, setting aside the accused’s convictions for incest and sexual assault and ordering a new trial. Appeal allowed and convictions restored.

Frances J. Knickle, for the appellant.

Peter E. Ralph, Q.C., and Michael A. Crystal, for the respondent.

The judgment of the Court was delivered orally by

1. The Chief Justice — We are all of a view that the appeal should be allowed, for the reasons of Hoegg J.A.
2. The appeal is allowed and the convictions are restored. Counsel agree that in the event the convictions are restored, as they are, the Sex Offender Information Registration order must, as a matter of law, be modified from 10 to 25 years.

*Judgment accordingly.*

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

Solicitors for the respondent: Simmonds & Partners Defence, St. John’s; Crystal Cyr Barristers, Ottawa.