

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Riar, 2015 SCC 50, [2015] 3 S.C.R. 325 | **Date:** 20151110  **Docket:** 36449 |

Between:

Gurminder Singh Riar

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon and Brown JJ.

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

R. *v.* Riar, 2015 SCC 50, [2015] 3 S.C.R. 325

Gurminder Singh Riar Appellant

v.

Her Majesty The Queen Respondent

Indexed as: R. *v.* **Riar**

2015 SCC 50

File No.: 36449.

2015: November 10.

Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon and Brown JJ.

on appeal from the court of appeal for ontario

*Criminal law — Evidence — Assessment — Accused convicted of importation and possession for purpose of trafficking of controlled drug — Trial judge erred in mischaracterizing accused’s defence and in assessing accused’s evidence and credibility — Errors deprived accused of fair trial and caused miscarriage of justice.*

APPEAL from a judgment of the Ontario Court of Appeal (Laskin, van Rensburg and Benotto JJ.A.), 2015 ONCA 350, 334 O.A.C. 361, [2015] O.J. No. 2475 (QL), 2015 CarswellOnt 7013 (WL Can.), affirming the accused’s conviction for importing cocaine and possession of cocaine for the purpose of trafficking. Appeal allowed.

James Lockyer and Lance Beechener, for the appellant.

Kevin Wilson and Howard Piafsky, for the respondent.

The judgment of the Court was delivered orally by

[1] The Chief Justice — We are all of the view that the appeal should be allowed, substantially for the reasons of Laskin J.A.

[2] The conviction is set aside and a new trial is ordered.

*Judgment accordingly.*

Solicitors for the appellant: Lockyer Campbell Posner, Toronto.

Solicitor for the respondent: Public Prosecution Service of Canada, Toronto.