

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Seruhungo, 2016 SCC 2, [2016] 1 S.C.R. 9 | **Appeal heard:** January 15, 2016  **Judgment rendered:** January 15, 2016  **Docket:** 36523 |

Between:

Akeem Smith Seruhungo

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ.

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

R. *v.* Seruhungo, 2016 SCC 2, [2016] 1 S.C.R. 9

Akeem Smith Seruhungo Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.*** Seruhungo

2016 SCC 2

File No.: 36523.

2016: January 15.

Present: Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ.

on appeal from the court of appeal for alberta

*Criminal law — Evidence — Corroboration — Hearsay — Trial judge properly considering confirmatory evidence — Trial judge’s error concerning test for hearsay not affecting result at trial — Accused’s acquittal for manslaughter restored.*

APPEAL from a judgment of the Alberta Court of Appeal (Bielby, O’Ferrall and Brown JJ.A.), 2015 ABCA 189, 600 A.R. 356, 23 Alta. L.R. (6th) 318, 324 C.C.C. (3d) 491, 645 W.A.C. 356, [2015] A.J. No. 601 (QL), 2015 CarswellAlta 969 (WL Can.), setting aside the accused’s acquittal and ordering a new trial. Appeal allowed, Moldaver and Gascon JJ. dissenting.

Deborah R. Hatch and Morgan McClelland, for the appellant.

Melanie Hayes-Richards, for the respondent.

The judgment of the Court was delivered orally by

[1] Moldaver J. — A majority of the Court would allow the appeal and restore the acquittal substantially for the reasons of O’Ferrall J.A. Moldaver and Gascon JJ. would dismiss the appeal substantially for the reasons of Brown J.A.

[2] In the result, the appeal is allowed and the acquittal is restored.

*Judgment accordingly.*

Solicitors for the appellant: Hatch McClelland Moore, Edmonton.

Solicitor for the respondent: Attorney General of Alberta, Edmonton.