

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Newman, 2016 SCC 7, [2016] 1 S.C.R. 27 | **Appeal heard:** February 25, 2016  **Judgment rendered:** February 25, 2016  **Docket:** 36524 |

Between:

Her Majesty The Queen

Appellant

and

Michael Bruce Newman

Respondent

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

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| **Reasons for Judgment:**  (paras. 1 to 2) | The Court |

R. *v.* Newman, 2016 SCC 7, [2016] 1 S.C.R. 27

Her Majesty The Queen Appellant

v.

Michael Bruce Newman Respondent

**Indexed as:** R. ***v.*** Newman

2016 SCC 7

File No.: 36524.

2016: February 25.

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

on appeal from the court of appeal for british columbia

*Criminal law — First degree murder — Elements of offence — Kidnapping and forcible confinement — Accused prevented victim from escaping his apartment and killed him — Act of forcible confinement distinct and independent from act of killing — Conviction for first degree murder entered by trial judge reinstated — Criminal Code, R.S.C. 1985, c. C-46, s. 231(5)(e).*

APPEAL from a judgment of the British Columbia Court of Appeal (Lowry, Frankel and Smith JJ.A.), 2015 BCCA 237, 324 C.C.C. (3d) 388, 373 B.C.A.C. 58, 641 W.A.C. 58, [2015] B.C.J. No. 1069 (QL), 2015 CarswellBC 1425 (WL Can.), substituting a conviction for second degree murder to the conviction for first degree murder entered by Ehrcke J., 2013 BCSC 592, [2013] B.C.J. No. 650 (QL), 2013 CarswellBC 830 (WL Can.). Appeal allowed.

John M. Gordon, Q.C., for the appellant.

Richard S. Fowler, *Q.C.*, and *Eric Purtzki*, for the respondent.

The following is the judgment delivered orally by

1. The Court — This is an appeal as of right. We are of the view that the appeal should be allowed. On the evidence, it was open to the trial judge to conclude that the act of forcible or unlawful confinement, which occurred when the respondent prevented the victim from escaping through the front door of the apartment, was distinct and independent.
2. The trial judge’s conviction for first degree murder is reinstated.

*Judgment accordingly.*

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

Solicitors for the respondent: Fowler and Smith, Vancouver.