

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Millington, 2017 SCC 53, [2017] 2 S.C.R. 384 | **Appeal heard:** October 30, 2017  **Judgment rendered:** October 30, 2017  **Docket:** 37235 |

Between:

**Kwesi Millington**

Appellant

and

Her Majesty The Queen

Respondent

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

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| **Reasons for Judgment:**  (para. 1) | Abella J. (Moldaver, Karakatsanis, Wagner, Gascon, Côté and Rowe JJ. concurring) |

R. *v.* Millington, 2017 SCC 53, [2017] 2 S.C.R. 384

Kwesi Millington Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.* Millington**

2017 SCC 53

File No.: 37235.

2017: October 30.

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

on appeal from the court of appeal for british columbia

*Criminal law — Appeals — Unreasonable verdict — Misapprehension of evidence — Issue estoppel — Abuse of process — Accused and three other RCMP officers charged with perjury after providing inaccurate testimony at inquest into death of visitor tasered by accused at airport — Separate trials held — Accused and another officer convicted but two officers acquitted — Court of Appeal holding that trial judge committed no reviewable errors in findings of fact, did not misapprehend evidence and did not err in allowing Crown to pursue issue of collusion at trial of accused — Conviction upheld.*

APPEAL from a judgment of the British Columbia Court of Appeal (Lowry, Harris and Dickson JJ.A.), 2016 BCCA 293, [2016] B.C.J. No. 1491 (QL), 2016 CarswellBC 1942 (WL Can.), affirming the conviction entered by Ehrcke J., 2015 BCSC 515, [2015] B.C.J. No. 627 (QL), 2015 CarswellBC 867 (WL Can.). Appeal dismissed, Côté J. dissenting.

Glen Orris, Q.C., for the appellant.

Richard C. C. Peck, Q.C., Eric V. Gottardi and Tony C. Paisana, for the respondent.

The judgment of the Court was delivered orally by

1. Abella J. — A majority would dismiss the appeal substantially for the reasons of the Court of Appeal. Justice Côté, dissenting, would have ordered a new trial on the basis that the finding of collusion was unreasonable and tainted the other findings of the trial judge.

*Judgment accordingly.*

Solicitor for the appellant: Glen Orris, Q.C. Law Corp., Vancouver.

Solicitors for the respondent: Peck and Company, Vancouver.