

**SUPREME COURT OF CANADA**

|  |  |  |
| --- | --- | --- |
| **Citation:** R. *v*. D’Amico, 2019 SCC 23, [2019] 2 S.C.R. 394 |  | **Motion Heard:** April 11, 2019  **Order:** April 11, 2019  **Docket:** 38512 |

**Between:**

**Her Majesty The Queen**

Applicant

and

**Giovanni D’Amico**

Respondent

**Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe and Martin JJ.

|  |  |
| --- | --- |
| **Reasons for Order:**  (paras. 1 to 3) | The Court |

R. *v.* D’Amico, 2019 SCC 23, [2019] 2 S.C.R. 394

Her Majesty The Queen Applicant

v.

Giovanni D’Amico Respondent

**Indexed as: R. *v.*** D’Amico

2019 SCC 23

File No.: 38512.

2019: April 11.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Gascon, Côté, Brown, Rowe and Martin JJ.

motion to quash a notice of appeal as of right

*Criminal law — Appeals — Appeals to Supreme Court of Canada — Appeal as of right — Dissent on question of law — Court of Appeal unanimous in dismissing accused’s appeal from convictions — Accused filing notice of appeal as of right based on disagreement between appellate judges on point of law — Crown bringing motion to quash notice of appeal as of right — Dissent giving rise to appeal as of right is disagreement that affects result — Motion granted — Criminal Code, R.S.C. 1985, c. C-46, s. 691(1)(a).*

**Statutes and Regulations Cited**

*Criminal Code*, R.S.C. 1985, c. C-46, s. 691(1)(a).

MOTION to quash a notice of appeal as of right from a judgment of the Quebec Court of Appeal (Thibault, Vauclair and Ruel JJ.A.), 2019 QCCA 77, 375 C.C.C. (3d) 1, 427 C.R.R. (2d) 116, [2019] AZ-51562974, [2019] Q.J. No. 235 (QL), 2019 CarswellQue 268 (WL Can.), affirming the convictions entered by Rheault J.C.Q., 2014 QCCQ 21006, [2014] AZ-51260923, [2014] Q.J. No. 23322 (QL), 2014 CarswellQue 14694 (WL Can.). Motion granted.

Written submissions by Maude Payette, for the applicant.

Written submissions by Alexandre Bien-Aimé and *Philipe G. Knerr*, for the respondent.

The following is the order delivered by

[1] The Court — The motion for an extension of time to serve and file the motion to quash is granted.

[2] The motion to quash is granted.

[3] A dissent within the meaning of s. 691(1)(a) of the *Criminal Code*, R.S.C. 1985, c. C-46, means a disagreement which affects the result. In this case, Vauclair J.A.’s disagreement does not go to the result and is better characterized as a concurring opinion or an opinion concurring in the result.

*Motion granted.*

*Solicitor for the applicant: Director of Criminal and Penal Prosecutions, Montréal.*

*Solicitors for the respondent: Shadley Bien-Aimé, Montréal.*