



SUPREME COURT OF CANADA

CITATION: R. v. Dingwall, 2021 SCC
35

APPEAL HEARD: October 8, 2021
JUDGMENT RENDERED: October 8,
2021
DOCKET: 39274

BETWEEN:

Meranda Leigh Dingwall
Appellant

and

Her Majesty The Queen
Respondent

AND BETWEEN:

Christopher Ryan Russell
Appellant

and

Her Majesty The Queen
Respondent

AND BETWEEN:

Kelly Michael Richet
Appellant

and

Her Majesty The Queen

Respondent

CORAM: Wagner C.J. and Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin, Kasirer and Jamal JJ.

UNANIMOUS
JUDGMENT READ
BY:
(para. 1)

Rowe J.

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Meranda Leigh Dingwall

Appellant

v.

Her Majesty The Queen

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- and -

Christopher Ryan Russell

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v.

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Kelly Michael Richet

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v.

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Present: Wagner C.J. and Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin, Kasirer and Jamal JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA

Criminal law — Unreasonable verdict — Evidence — Circumstantial evidence — Parties to offence — Three accused charged with aggravated assault and firearm offences in connection with drive-by shooting — Crown’s case based entirely on circumstantial evidence — Trial judge holding that only rational inference to be drawn from evidence was that Crown proved all essential elements of charges beyond reasonable doubt and convicting accused — Majority of Court of Appeal dismissing conviction appeals and holding that verdicts not unreasonable — Convictions upheld.

Cases Cited

Referred to: *Hodge’s Case* (1838), 2 Lewin 227, 168 E.R. 1136.

Statutes and Regulations Cited

Criminal Code, R.S.C. 1985, c. C-46, s. 686(1)(b)(iii).

APPEAL from a judgment of the British Columbia Court of Appeal (Newbury, Willcock and Butler JJ.A.), 2020 BCCA 108, 386 C.C.C. (3d) 480, 462 D.L.R. (4th) 85, [2020] B.C.J. No. 603 (QL), 2020 CarswellBC 902 (WL), affirming the convictions entered by Abrioux J., 2017 BCSC 1457, [2017] B.C.J. No. 1616 (QL), 2017 CarswellBC 2266 (WL). Appeal dismissed.

Brent V. Bagnall, for the appellant Meranda Leigh Dingwall.

Kenneth R. Beatch and *Roger P. Thirkell*, for the appellant Christopher Ryan Russell.

Jason C. LeBlond, for the appellant Kelly Michael Richet.

Susanne Elliott and *Geoffrey McDonald*, for the respondent.

The judgment of the Court was delivered orally by

[1] ROWE J. — We would dismiss the appeal substantially for the reasons of Newbury J.A., at paras. 51 and 53. We would add that notwithstanding a misstatement of law with respect to circumstantial evidence set out by the trial judge in para. 9(b) of his reasons (2017 BCSC 1457 (CanLII)), the trial judge properly applied the law with respect to circumstantial evidence. Accordingly, no reliance need be placed on the curative authority under s. 686(1)(b)(iii) of the *Criminal Code*, R.S.C. 1985, c. C-46. Finally, we would note that while the Court of Appeal, in paras. 39 and 50, addressed the rule in *Hodge's Case* (1838), 2 Lewin 227, 168 E.R. 1136, the scope and application of that rule is not before this Court.

Judgment accordingly.

Solicitor for the appellant Meranda Leigh Dingwall: Brent V. Bagnall, Vancouver.

*Solicitors for the appellant Christopher Ryan Russell: Thirkell & Company,
Abbotsford.*

Solicitors for the appellant Kelly Michael Richet: Third Avenue Law, Prince George.

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