



SUPREME COURT OF CANADA

CITATION: R. v. Pope, 2022 SCC 8

APPEAL HEARD: March 21, 2022

JUDGMENT RENDERED: March 21, 2022

DOCKET: 39817

BETWEEN:

Her Majesty The Queen
Appellant

and

Craig Pope
Respondent

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

JUDGMENT READ BY: Wagner C.J.
(paras. 1 to 2)

MAJORITY: Moldaver, Karakatsanis, Brown, Kasirer and Jamal JJ.

DISSENT: Wagner C.J. and Côté, Rowe and Martin JJ.

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Her Majesty The Queen

Appellant

v.

Craig Pope

Respondent

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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 NEWFOUNDLAND AND LABRADOR

Criminal law — Charge to jury — Manslaughter — Accused charged with second degree murder — Trial judge instructing jury on second degree murder and included offence of

manslaughter — Jury finding accused guilty of second degree murder — Accused appealing conviction on basis that jury not properly instructed on manslaughter — Majority of Court of Appeal holding that trial judge erred by failing to properly instruct jury on manslaughter as he did not explain difference between murder and manslaughter with sufficient clarity, particularly regarding the question of intent — Majority quashing conviction and ordering new trial — Dissenting judge finding that trial judge’s instructions sufficient on elements of manslaughter — Order for new trial upheld.

APPEAL from a judgment of the Newfoundland and Labrador Court of Appeal (Welsh, Goodridge and Butler JJ.A.), 2021 NLCA 47, 74 C.R. (7th) 1, 466 D.L.R. (4th) 640, [2021] N.J. No. 234 (QL), 2021 CarswellNfld 287 (WL), quashing the conviction of the accused for second degree murder and ordering a new trial. Appeal dismissed, Wagner C.J. and Côté, Rowe and Martin JJ. dissenting.

Dana E. Sullivan, for the appellant.

Mark Gruchy, for the respondent.

The judgment of the Court was delivered orally by

[1] THE CHIEF JUSTICE — A majority of this Court, made of Justice Moldaver, Justice Karakatsanis, Justice Brown, Justice Kasirer and Justice Jamal, would dismiss the appeal, essentially for the reasons of the majority of the Court of Appeal, whereas myself, Justice Côté,

Justice Rowe and Justice Martin would allow the appeal, essentially for the reasons of Justice Goodridge.

[2] The appeal is therefore dismissed.

Judgment accordingly.

Solicitor for the appellant: Special Prosecutions Office, St. John's.

*Solicitor for the respondent: Newfoundland and Labrador Legal Aid Commission,
St. John's.*