

MELYNIUK AND HUMENIUK *v.* THE KING1930
*Oct. 13.
—ON APPEAL FROM THE APPELLATE DIVISION OF THE SUPREME
COURT OF ALBERTA*Criminal law—Charge of robbery with violence—Sufficiency of evidence
to justify conviction—Alleged misdirection in charge to jury.*

APPEAL by the accused from the judgment of the Appellate Division of the Supreme Court of Alberta (1) dismissing (Hyndman J.A. dissenting) their appeal from their conviction, at a trial before Tweedie J. and a jury, of the crime charged against them, namely, robbery with violence.

The grounds urged on behalf of the appellants on the appeal to the Supreme Court of Canada were: (1) that there was no evidence to justify the conviction of the accused for the crime charged; and (2) that the trial judge did not properly charge the jury with regard to the evidence of Eva Rosychuk.

On conclusion of the argument of counsel for the appellants, and without calling on counsel for the respondent, the Court orally delivered judgment dismissing the appeal; being of opinion that there was evidence sufficient to warrant the jury in inferring that the accused were guilty of the crime charged; and that there was no misdirection by the trial judge with regard to the evidence of the witness Eva Rosychuk; that, while perhaps he did not go into that evidence as fully as he might have done, yet he went into it quite as fully as was necessary and described it fairly in what he said of it; that no wrong was done the accused in this connection.

Appeal dismissed.

O. M. Biggar K.C. for the appellants.

W. S. Gray K.C. for the respondent.

*PRESENT:—Anglin C.J.C. and Newcombe, Rinfret, Lamont and Cannon JJ.