

The Queen v. Taylor, [1963] S.C.R. 491

R. F. E.

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/ohlj>
Commentary

Citation Information

E., R. F. "The Queen v. Taylor, [1963] S.C.R. 491." *Osgoode Hall Law Journal* 3.2 (1965) : 236-236.
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol3/iss2/20>

This Commentary is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

The accused respondent was convicted of criminal negligence causing death. The witness was driving on the road where the accident occurred about the time of the accident, when the respondent's car overtook him. She saw the right side of the car rise from the ground, then the car veered left and proceeded on without stopping. The victim's body was found at that place. The respondent's defence was a simple denial and that his car was in his garage. But debris at the accident connected his car with it. Following the accident, the respondent kept his car in his garage for three days, which was unusual, then took it to Oshawa (from Quebec) at night for repairs, and was unable to give a reasonable explanation for his trip to Oshawa.

The Quebec Court of Queen's Bench, Appeal Side, set aside the conviction, holding that the verdict was unreasonable and could not be supported by the evidence. The Crown was granted leave to appeal to the Supreme Court.

Judson J. delivering the judgment of the Supreme Court reversed the appeal and restored the conviction. The basis of the appeal court's decision, that there was no evidence to go to the jury, is a question of law that was erroneously decided. The evidence of the witness and of the respondent's subsequent conduct linked with the driving is evidence of criminal negligence to go to the jury.

Cartwright J. dissented, holding that the Supreme Court lacked jurisdiction to entertain this appeal. The appeal court had allowed the respondent's appeal against the conviction on the ground that the verdict could not be supported by the evidence, as provided by S. 592(1) of the Criminal Code. By the decision of the Supreme Court in the case of *The Queen v. Warner*,¹ if one of the grounds on which a court of appeal quashes a conviction is that it cannot be supported by the evidence, the Supreme Court is without jurisdiction to entertain an appeal on the judgment.

R.F.E.

¹ [1961] S.C.R. 144.