



Case in Brief: ***R. v. Stevenson***

Judgment of December 5, 2024 | On appeal from the Court of Appeal for Saskatchewan
Neutral citation: 2024 SCC 41

The Supreme Court confirms convictions related to the robbery of a Regina restaurant.

Thomas Stevenson was convicted at trial of a 2016 robbery of a Regina restaurant and having his face masked with the intent to commit that offence. The robbery was recorded on a security camera video and revealed two participants, both of whom had their faces fully masked. The Crown's case hinged on the recognition evidence of a witness who had a criminal record and had been arrested for an unrelated crime in 2019. After his arrest, he offered information about criminal activity in exchange for entry into a witness protection program. He identified Mr. Stevenson as a participant in the robbery.

When the Crown relies on the evidence of a witness with characteristics that bring their credibility into serious question, the court must approach that evidence with particular care and caution. This may be case, for example, where the witness has a history of criminal activity or has a strong motive to lie to the authorities. This kind of witness is sometimes called a *Vetrovec* witness, after a 1982 decision of the Supreme Court of Canada called *Vetrovec v. The Queen*. That case dealt with the nature of the caution that should be given to juries about such evidence.

In this case, the trial judge recognized the *Vetrovec* dangers, found the witness' evidence to be both credible and reliable, and found Mr. Stevenson guilty.

Mr. Stevenson appealed his conviction to the Court of Appeal, which dismissed his appeal. A majority of the Court of Appeal held that there was no error in how the trial judge used the witness's recognition evidence that would justify overturning the convictions. They said that the trial judge had recognized the dangers of relying on the witness's evidence, given the criminal history and the benefits received from cooperating with the police, and provided reasons that explained how those challenges were resolved. The dissenting judge would have allowed the appeal and ordered a new trial on the basis that the trial judge erred in law in assessing the witness' evidence.

Mr. Stevenson appealed as of right to this Court. An appeal "as of right" is available in some criminal cases where one judge on the court of appeal has dissented on a point of law, as was the case here. This means the appellant does not need to apply to the Supreme Court of Canada for permission to have their case heard. The case can be heard if the appellant simply files a notice to this effect.

The Supreme Court has dismissed his appeal. The judgment was delivered orally by Justice Rowe on the day of the hearing with reasons to follow.

There is no basis to interfere with the trial judge's treatment of the recognition evidence.

A majority of judges concluded that there was no basis to interfere with the convictions. The trial judge recognized the dangers of the witness' evidence and applied the requisite scrutiny to that evidence. She did not view the witness as more worthy of belief because he had no motive to falsely implicate Mr. Stevenson. The trial judge did not err by finding that the witness' evidence was consistent with the security camera video. She was entitled to accept the recognition evidence without corroboration because she was satisfied that it was true, and her factual determinations on credibility and reliability are entitled to deference.

Breakdown of the decision: *Majority*: Justices [Martin](#), [Kasirer](#), [Jama](#) and [O'Bonsawin](#) dismissed the appeal | *Dissenting*: Justice [Rowe](#) would have allowed the appeal and ordered a new trial.

More information: [Decision](#) | [Case information](#) | [Webcast of hearing](#)

Lower court rulings: Decision (Provincial Court of Saskatchewan – unreported) | [Appeal](#) (Court of Appeal for Saskatchewan)
