



The Supreme Court upholds the conviction of a man charged with second degree murder and assault with a weapon

Maxime Chicoine-Joubert was charged with having stabbed an individual to death in Montréal. Following a jury trial, Mr. Chicoine-Joubert was convicted of second degree murder and assault with a weapon.

On appeal before the Quebec Court of Appeal, Mr. Chicoine-Joubert argued that the trial judge had erred in his instructions regarding manslaughter and in his answer to questions from the jury by failing to mention the necessary *mens rea*. *Mens rea* means the guilty intent that must be proved by the prosecutor to establish the existence of a crime. A majority of the Court of Appeal dismissed Mr. Chicoine-Joubert's appeal. They found that the instructions to the jury were correct in the context of the case. Since Mr. Chicoine-Joubert conceded his guilt on the manslaughter charge, the question from the jury on that offence did not require that the judge address it.

The dissenting judge would have allowed the appeal and ordered a new trial on the grounds that the trial judge had not adequately answered the questions from the jury and that there was a reasonable possibility that the jurors had misunderstood the *mens rea* required for second degree murder. Although the dissenting judge agreed with the majority that the initial instructions contained no error warranting the court's intervention, he found that the trial judge had not fulfilled his obligation to answer questions from the jurors clearly, correctly and comprehensively. He did not instruct the jurors on manslaughter or provide them with an example.

Mr. Chicoine-Joubert appealed to the Supreme Court of Canada.

The Supreme Court has dismissed the appeal.

Accordingly, the Court has upheld Mr. Chicoine-Joubert's conviction.

Chief Justice Wagner read the judgment of a majority of the Court. You can watch a recording of it [here](#).

A print version of the judgment that was read out will be available here once finalized.

Breakdown of the decision: A majority of the Court dismissed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Côté](#), [Martin](#), [Kasirer](#), and [Moreau](#)) | In dissent, Justice [Jama](#) would have allowed the appeal

More information: [Case information \(41262\)](#).

Lower court rulings: Decision not available online (Superior Court of Quebec) | [Appeal](#) (Court of Appeal for Quebec) (in French only)
