



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

Judgment of February 19, 2026 | On appeal from the Court of Appeal for Ontario  
Neutral citation: 2026 SCC 6

---

**The Supreme Court of Canada upholds the convictions for sexual assault.**

A man and a woman were convicted of sexual assault after a trial in the Ontario Court of Justice. They were charged together in relation to the same incident. The case involved a young woman who said she was sexually assaulted after becoming intoxicated. She later recalled what happened in a vivid memory that came to her while she was asleep. The judge accepted her account of the assault and found it was not a dream.

The two convicted persons appealed to the Court of Appeal for Ontario. They argued that the trial judge should not have relied on the woman's memory. They said the memory may not have been real and could have been created while she was asleep.

A majority of the Court of Appeal dismissed their appeals, upholding the convictions. The Court of Appeal decided that the trial judge was entitled to accept the woman's account of what happened. It found that the trial judge understood the arguments made in defence, carefully considered the evidence, and explained her decision. The Court of Appeal concluded that the convictions were supported by the evidence.

One judge of the Court of Appeal disagreed. He would have allowed the appeals, set aside the convictions and ordered a new trial. In his view, the trial judge did not properly decide whether the woman's memory was a real memory. He was concerned that the trial judge assumed the memory was real before fully answering that question.

**The Supreme Court dismissed the appeal.**

As such, the convictions for sexual assault remain in place.

Chief Justice Wagner read the judgment of the unanimous Court.

A print version of the judgment that was read out will be available [here](#) once finalized.

---

**Breakdown of the decision:** A unanimous Court dismissed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Côté](#), [Rowe](#), [Martin](#), [Kasirer](#) and [Moreau](#) agreed)

**More information:** [Case information](#)

**Lower court rulings:** [Conviction](#) (Ontario Superior Court of Justice) | [Appeal](#) (Court of Appeal for Ontario)

---

*Cases in Brief are prepared by staff of the Supreme Court of Canada to help the public better understand Court decisions. They do not form part of the Court's reasons for judgment and are not for use in legal proceedings.*