



The Supreme Court of Canada upholds a conviction for sexual assault.

A man was charged with sexual offences alleged to have been committed against his two stepdaughters between 1999 and 2005. At trial, the judge found him guilty of sexual assault based on forced sexual intercourse and oral sex involving one of the stepdaughters. The judge also placed a conditional stay on a related charge of sexual exploitation. A conditional stay means that charge would only go forward if the sexual assault conviction was later set aside by a higher court.

The man appealed his conviction to the Court of Appeal for Ontario. He argued that the trial judge misunderstood important evidence about when the sexual assaults were said to have occurred. In particular, one of the stepdaughters testified that some of the alleged sexual abuse occurred when she was 16 years old or younger, despite having previously denied it to the police at the age of 17.

A majority of the Court of Appeal dismissed the appeal. The majority concluded that the trial judge did not misunderstand the evidence. It held that the trial judge was entitled to rely on the complainant's testimony, which she found to be detailed, consistent, and believable. The majority also emphasized that trial judges are responsible for weighing the evidence, and appeal courts should not interfere unless there is a clear error.

One judge disagreed with the majority. He would have allowed the appeal, set aside the conviction for sexual assault, lifted the conditional stay on the sexual exploitation charge, and ordered a new trial on those two charges. In his view, the trial judge misunderstood the evidence in a way that affected how she reached her decision to convict the man of sexual assault.

The Supreme Court dismissed the appeal.

As such, the conviction for sexual assault remains in place.

Chief Justice Wagner read the judgment of the unanimous 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 unanimous Court dismissed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Côté](#), [O'Bonsawin](#) and [Moreau](#) agreed)

More information: [Case information](#)

Lower court rulings: Conviction (Ontario Superior Court of Justice – not available online) | [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.