

CANADA / JUDGMENT

R. v. B.D.C.

2025 ONCA 721

COURT

Court of Appeal for Ontario

DECIDED

21 October 2025

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R. v. B.D.C. Collection Decisions of the Court of Appeal Date 2025-10-21 Neutral citation 2025 ONCA 721 Docket numbers COA-23-CR-0887 Judges Trotter, Gary T.; Wilson, Darla A.; Pomerance, Renee M. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. B.D.C., 2025 ONCA 721[1] DATE: 20251021 DOCKET: COA-23-CR-0887 Trotter, Wilson and Pomerance JJ.A. BETWEEN His Majesty the King Respondent and B.D.C. Appellant Jassi Vamadevan, for the appellant Eunwoo Lee, for the respondent Heard and rendered orally: October 20, 2025 On appeal from the conviction entered by Justice Sosna of the Superior Court of Justice, on February 9, 2023. REASONS FOR DECISION

- [1] The appellant challenges his convictions for assault with a weapon and sexual assault against his wife. He alleges that the trial judge erred by reversing the onus of proof, by failing to adequately explain his credibility findings, by engaging in propensity reasoning, and by improperly applying the rule in *Browne v. Dunn* (1893), 1893 CanLII 65 (FOREP), 6 R. 67 (H.L.).
- [2] We see no basis for intervention.
- [3] The trial judge accepted the complainant's testimony about the incident giving rise to the charges, which included use of a hammer to assault her while in a garage. Of particular significance was a conversation between the complainant and appellant after the event which was recorded by the complainant and introduced at trial.
- [4] During that conversation the appellant was heard to assert that he always used a hammer and pliers. It was open to the trial judge to infer from this statement that the appellant used a hammer during his assault of the complainant and that the recording confirmed this aspect of the complainant's testimony. We see no error in this approach.
- [5] Nor do we agree that the use of this evidence amounted to propensity reasoning. The trial judge expressly found that the reference to a hammer and pliers was not a general statement, but rather, a specific admission as it related to the charges before the court.

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- [6] As it relates to the rule in *Brown v. Dunn*, the reasons disclose that this did not play a prominent role in the trial judge's analysis. The fact is that various details offered by the appellant in his testimony had not been put to the complainant in cross examination.
- [7] The arguments of the appellant amount to an attempt to revisit the credibility assessments of the trial judge. The trial judge explained his findings by setting out numerous reasons for rejecting the appellants testimony and finding that it did not raise a reasonable doubt. His acceptance of the complainant's testimony as confirmed by the recording, was a proper basis on which to find the appellant guilty of the offences.
- [8] Accordingly, we would dismiss the appeal. "Gary Trotter J.A." "D.A. Wilson J.A." "R. Pomerance J.A."
- [1] This appeal is subject to a publication ban pursuant to s. 486.4 of the Criminal Code, R.S.C. 1985, c. C-46.
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