

CANADA / JUDGMENT

R. v. J.F.

2025 ONCA 718

COURT

Court of Appeal for Ontario

DECIDED

20 October 2025

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R. v. J.F. Collection Decisions of the Court of Appeal Date 2025-10-20 Neutral citation 2025 ONCA 718 Docket numbers COA-23-CR-0392 Judges Miller, Bradley; Trotter, Gary T.; Rahman, Moiz Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. J.F., 2025 ONCA 718[1] DATE: 20251020 DOCKET: COA-23-CR-0392 Miller, Trotter and Rahman JJ.A. BETWEEN His Majesty the King Respondent and J.F. Appellant Chris Rudnicki, for the appellant Brent Kettles, for the respondent Heard: October 10, 2025 On appeal from the convictions entered by Justice John F. Adamson of the Ontario Court of Justice, on December 16, 2022. REASONS FOR DECISION

- [1] The appellant was convicted of one count of sexual assault, three counts of assault, and one count of uttering threats. He was acquitted of one count of assault. All of the offences were committed against his common law spouse. He appealed his convictions and at the conclusion of the oral hearing of the appeal, the panel dismissed the appeal with reasons to follow.[2] These are our reasons.
- [2] The appellant and the complainant cohabited for seven years in a household that included their infant son and the complainant's two children from a previous relationship. The relationship was turbulent, the household was characterized by alcohol and drug use, and the police were called to the house on multiple occasions.
- [3] The complainant and four witnesses testified. The appellant did not. The trial judge's decision was based primarily on his acceptance of the credibility and reliability of the complainant's evidence. Although the trial judge largely accepted the evidence of the complainant, he had a reasonable doubt with respect to two alleged assaults: (1) an assault where the complainant was pregnant and the appellant shook her and threw her to the ground; and (2) an assault where the appellant punched the complainant in the face while she slept, producing a black eye. With respect to the first, the trial judge was left with a reasonable doubt due to differences between the accounts provided at trial by the complainant and her daughter, as well as the fact that they had discussed the incident prior to trial. With respect to the second, the trial judge was left with a reasonable doubt due to differences in the accounts of the complainant and a friend as to the nature of the black eye and the steps the complainant had taken to conceal the injury. The appellant was acquitted

of this count.

[4] On appeal, the appellant argued that the trial judge erred in two respects:

1. by artificially compartmentalizing the complainant's testimony and failing to consider the evidence as a whole; and
2. by relying on the fact that the complainant did not embellish her testimony to bolster her credibility.

[5] We were not persuaded by either argument.

[6] With respect to the first argument, the appellant states that the trial judge's doubt arising from inconsistencies between the complainant's evidence and the evidence of other witnesses in relation to two discrete events should have led the trial judge to reconsider his overall credibility and reliability of the complainant's evidence. This in turn should have led to a finding of reasonable doubt on each of the counts. Furthermore, the finding that the evidence of the complainant and her daughter were tainted to some degree by their discussions of their evidence with each other with respect to one of the counts, ought to have raised a reasonable doubt for the rest of the counts, as the complainant and her daughter had discussed them as well.

[7] The trial judge did not err. He reviewed all of the complainant's evidence and explained why he accepted it. He found the complainant to be a believable, forthright witness. Where there were either internal inconsistencies in the complainant's evidence, or inconsistencies with the details of accounts given by other witnesses, the trial judge was left with a reasonable doubt. This was not because he disbelieved the complainant. The fact that he had concerns with respect to her evidence about two of the incidents did not oblige him to conclude that the complainant was not generally credible or reliable.

[8] Similarly, the fact that the complainant acknowledged that her evidence with respect to one incident may have been impacted by the discussions she had with her daughter afterwards had no necessary bearing on the rest of the complainant's evidence. Even if the complainant had discussed the rest of the incidents with her daughter, her daughter was only a witness to one of the incidents and did not testify as to the others.

[9] With respect to the second ground of appeal, the trial judge made no error in considering the complainant's "lack of embellishment" as a factor in assessing her credibility. The defence put it to the complainant in cross-examination and argued in closing that she had lied in her allegations to the police and was exaggerating in order to get the appellant arrested and out of the family home. The defence, in effect, was arguing that the complainant should be disbelieved because she had a motive to lie and was in fact lying. There was nothing untoward about the trial judge rejecting that submission and concluding that the complainant was not embellishing her evidence: *R. v. J.M.*, 2025 ONCA 597, at para. 13.

- [10] On other occasions, what the trial judge referred to as a lack of embellishment would have been better characterized as the complainant's willingness to make admissions that were against her interest, in that they might have tended to make her look less believable. For example, the complainant accepted that she also drank and used drugs, was volatile in her interactions with the appellant, and had concealed from the appellant that she had taken out a student loan which impacted household finances. This was not what Moldaver J. cautioned against in *R. v. Gerrard*, 2022 SCC 13, [2022] 1 S.C.R. 279, at para. 5, of simply believing a witness because her evidence is free of exaggeration.

DISPOSITION

- [11] The appeal is dismissed. "B.W. Miller J.A." "Gary Trotter J.A." "M. Rahman 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.
- [2] The appeal against sentence was abandoned.

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