

CANADA / JUDGMENT

R. v. Mehari

2020 SCC 40

COURT

Supreme Court of Canada

DECIDED

4 December 2020

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R. v. Mehari Collection Supreme Court Judgments Date 2020-12-04 Neutral citation 2020 SCC 40 Report

[2020] 3 SCR 782 Case number 39109 Judges Abella, Rosalie Silberman; Brown, Russell; Rowe, Malcolm; Martin, Sheilah; Kasirer, Nicholas On appeal from Saskatchewan Notes SCC Case Information Decision Content SUPREME COURT OF CANADA Citation: R. v. Mehari, 2020 SCC 40, [2020] 3 S.C.R. 782 Appeal Heard: December 4, 2020 Judgment Rendered: December 4, 2020 Docket: 39109 Between: Her Majesty The Queen Appellant and Awet Mehari Respondent Coram: Abella, Brown, Rowe, Martin and Kasirer JJ. Unanimous Judgment Read By: (paras. 1 to 2) Martin J. Her Majesty The Queen Appellant v. Awet Mehari Respondent Indexed as: R. v. Mehari 2020 SCC 40 File No.: 39109. 2020: December 4. Present: Abella, Brown, Rowe, Martin and Kasirer JJ. on appeal from the court of appeal for saskatchewan Criminal law — Evidence — Assessment — Credibility — Uneven scrutiny — Trial judge convicting accused of sexual assault — Majority of Court of Appeal finding trial judge erred in credibility assessment by applying different level of scrutiny to evidence of accused compared to that of complainant and ordering new trial — Trial judge made no error warranting intervention on appeal — Matter remitted to Court of Appeal to decide other grounds of appeal. APPEAL from a judgment of the Saskatchewan Court of Appeal (Whitmore, Leurer and Kalmakoff JJ.A.), 2020 SKCA 37, 387 C.C.C. (3d) 147, [2020] S.J. No. 100 (QL), 2020 CarswellSask 136 (WL Can.), setting aside the conviction of the accused for sexual assault and ordering a new trial. Appeal allowed. W. Dean Sinclair, Q.C., for the appellant. Aaron A. Fox, Q.C., and Darren Kraushaar, for the respondent. The following is the judgment delivered orally by

- [1] The Court — This Court has not decided whether uneven scrutiny, if it exists, can amount to an independent ground of appeal or a separate and distinct error of law. In any event, we see no error in respect of this argument that would have warranted intervention on appeal.
- [2] Accordingly, the appeal is allowed and the matter remitted to the Court of Appeal to decide the grounds of appeal the majority did not address. Judgment accordingly. Solicitor for the appellant: Attorney General of Saskatchewan, Regina. Solicitors for the respondent: McDougall Gauley, Regina.

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