

CANADA / JUDGMENT

R. v. R.L.

2025 ONCA 691

COURT

Court of Appeal for Ontario

DECIDED

10 October 2025

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R. v. R.L. Collection Decisions of the Court of Appeal Date 2025-10-10 Neutral citation 2025 ONCA 691 Docket numbers COA-24-CR-0288 Judges Copeland, Jill M.; Monahan, Patrick J.; Madsen, Lene Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. R.L., 2025 ONCA 691[1] DATE: 20251010 DOCKET: COA-24-CR-0288 Copeland, Monahan and Madsen JJ.A. BETWEEN His Majesty the King Appellant and R.L. Respondent Avene Derwa, for the appellant Kimberley A. Pegg and Jennifer Ho, for the respondent Heard: September 29, 2025 On appeal from the acquittal entered by Justice Maria N. Sirivar of the Ontario Court of Justice, on February 21, 2024. REASONS FOR DECISION

- [1] The Crown appeals from the respondent's acquittal on a charge of sexual assault.
- [2] The Crown argues that the trial judge's reasons are insufficient as that concept is defined in R. v. R.E.M., 2008 SCC 51, [2008] 3 S.C.R. 3, and R. v. Sheppard, 2002 SCC 26, [2002] 1 S.C.R. 869.
- [3] The legal requirements for sufficiency of reasons are well-established. Poor reasons, in themselves, do not justify appellate intervention. Appellate intervention is only warranted where the insufficiency of reasons prevents meaningful appellate review: Sheppard, at paras. 25-26, 28, and 55; R.E.M., at para. 15; R. v. G.F., 2021 SCC 20, [2021] 1 S.C.R. 801, at paras. 70, 74-75. An appellate court must take a functional approach to the sufficiency of reasons, and review a trial judge's reasons in the context of the record and the live issues at trial: R.E.M., at paras. 16, 35; G.F., at paras. 69-70. In short, to be sufficient, reasons must make clear what was decided and why, and the logical connection between the two: R.E.M., at paras. 17-18.
- [4] The requirement of sufficient reasons applies to a Crown appeal from an acquittal. However, unlike the accused's right of appeal from conviction, the Crown's right of appeal is limited to questions of law alone: Criminal Code, R.S.C. 1985, c. C-46, s. 676(1)(a). Whether a trial judge's reasons acquitting an accused are sufficient must be assessed in light of the Crown's limited right of appeal: R. v. Walker, 2008 SCC 34, [2008] 2 S.C.R. 245, at para. 21. In the words of Binnie J. in Walker, at para. 2: Caution must be taken to avoid seizing on perceived deficiencies in a trial judge's reasons for acquittal to create a ground of "unreasonable acquittal" which is not open to the court under the provisions of the Criminal Code[.]

- [5] Because of the Crown's burden to prove the elements of the offence beyond a reasonable doubt, an acquittal, unlike a conviction, can be based on an absence of evidence or on a trial judge concluding that one or more elements of the offence were not proven to the criminal standard: Walker, at para. 22; R. v. Aiken, 2021 ONCA 298, 155 O.R. (3d) 413, at paras. 43-44. In addition, in a trial that turns on credibility, like this one, a reasonable doubt can arise when the trial judge is unable to resolve conflicting evidence and does not know who to believe: R. v. W.(D.), [1991] 1 S.C.R. 742, at pp. 757-58; R. v. Challice (1979), 45 C.C.C. (2d) 546 (Ont. C.A.), at pp. 556-57. In the context of a Crown appeal from an acquittal, reasons will be insufficient if they fail to explain the basis for the trial judge being left with a reasonable doubt.
- [6] Having considered the trial judge's reasons in the context of the evidence and live issues in this trial, we are not persuaded that the trial judge's reasons are insufficient. The reasons meet the requirements set out in R.E.M. and Sheppard.
- [7] The trial judge began her reasons by summarizing the evidence, the fundamental legal principles that govern a criminal trial, and the positions of the parties. The Crown takes no issue with these aspects of the reasons. We note that the trial judge's self-instruction on the basic legal principles of the presumption of innocence, the Crown's burden of proof, the meaning of the reasonable doubt standard of proof, and how the reasonable doubt standard is to be applied in cases that turn on credibility is comprehensive and free from error. Importantly, she instructed herself on the principles from W.(D). and that the assessment of conflicting versions of events is not to be approached as a credibility contest.
- [8] The trial judge then turned to her analysis. In our view, the trial judge's reasons disclose the following path of reasoning.
- [9] After considering the various challenges raised by the defence to the complainant's credibility and reliability of the complainant's evidence, the trial judge found the complainant to be a credible witness. In making this finding in the earlier portion of her analysis, the trial judge did not assess that credibility finding as against the Crown's burden of proof beyond a reasonable doubt. She addressed that near the end of her reasons.
- [10] The trial judge then considered the respondent's version of events as set out in Snapchat text messages entered at trial by the Crown. Although the respondent did not testify, to the extent that the text messages entered into evidence by the Crown contained an exculpatory version of events, the trial judge was required to consider whether that version raised a reasonable doubt in the context of the evidence as a whole: R. v. B.D., 2011 ONCA 51, 266 C.C.C. (3d) 197, at para. 114.
- [11] The trial judge considered the Crown's argument that the respondent's texts contained inconsistent versions of events, some of which the Crown argued were inculpatory. She also noted that the record of the texts was incomplete, missing three audio messages and the beginning of the text exchange.

- [12] In the trial judge's view she was left with two versions of events – the complainant's and the respondent's from the texts. She concluded: "I am unable to determine on the criminal standard, beyond a reasonable doubt, that the accused is guilty."
- [13] The trial judge's reasons explained, with reference to the trial evidence, why she reached the conclusion that the Crown had not met its burden. Although the ultimate conclusion is brief, the trial judge's reasons explain what was decided and why, the logical link between the "what" and the "why", and permit meaningful appellate review. Her reasons make clear that she was left with a reasonable doubt because, faced with the complainant's version of events and the exculpatory version in the respondent's texts, she did not know who to believe. She came to this conclusion having considered the whole of the evidence, including that she found the complainant generally credible; that the respondent gave inconsistent versions in the texts, but one that was exculpatory; and that the record in the text exhibits was incomplete.
- [14] The trial judge's reasons could have been clearer. She gave them orally and they are relatively brief. But they are sufficient to understand why she was left with a reasonable doubt and to permit appellate review. The closing words of Binnie J. in Walker, at para. 27, are equally applicable here: "While the trial judge's reasons, delivered orally, fell well short of the ideal, that is not the applicable standard. They were not so inadequate that the Crown's limited right of appeal was impaired."
- [15] The appeal is dismissed. "J. Copeland J.A." "P.J. Monahan J.A." "L. Madsen J.A."
- [1] This appeal is subject to a publication ban pursuant to ss. 110 and 111 of the Youth Criminal Justice Act, S.C. 2002, c. 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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