

CANADA / JUDGMENT

R. v. Watson

2026 ONCA 11

COURT

Court of Appeal for Ontario

DECIDED

12 January 2026

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

R. v. Watson Collection Decisions of the Court of Appeal Date 2026-01-12 Neutral citation 2026 ONCA 11 Docket numbers COA-25-CR-0185 Judges Lauwers, Peter D.; Sossin, Lorne; Pomerance, Renee M. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Watson, 2026 ONCA 11 DATE: 20260112 DOCKET: COA-25-CR-0185 Lauwers, Sossin and Pomerance JJ.A. BETWEEN His Majesty the King Respondent and Kyle Watson Appellant Kyle Watson, acting in person Jessica Zita, appearing as duty counsel Adrianna Mills, for the respondent Heard: January 6, 2026 On appeal from the convictions entered by Justice Mikolaj B. Bazylko of the Ontario Court of Justice on January 17, 2025, and January 22, 2025. REASONS FOR DECISION

- [1] The appellant was convicted of robbery after a three-day trial. He later pled guilty to failure to comply with a release order. He was sentenced to 12 months in jail, and 36 months of probation. The appellant's sentence appeal was heard separately and dismissed: see R. v. Watson, 2025 ONCA 416. With respect to the conviction appeal, in oral submissions, the appellant only pursued his appeal against the robbery conviction. He takes issue with the trial judge's treatment of the complainant's evidence.
- [2] At the hearing, the appeal from conviction was dismissed for reasons to follow. These are our reasons.
- [3] The appellant was convicted of robbery in relation to an incident on January 28th, 2023, in which the appellant assaulted and robbed the complainant in his home in Windsor, Ontario. The trial judge disbelieved the appellant's account of what transpired during this incident. The trial judge accepted much of the complainant's evidence as credible and reliable. However, he identified two specific areas of the complainant's testimony that he found to be unreliable: first, that the complainant was hit with brass knuckles during the assault; and second, that the assault lasted 30 minutes. The trial judge concluded that the complainant was "a credible, although unreliable witness at times."

- [4] In her able submissions on behalf of the appellant, duty counsel focused on the evidence of the complainant. She argued the trial judge's findings of unreliability in relation to key aspects of the assault are inconsistent with the trial judge's acceptance of the complainant's account of the incident.
- [5] Duty counsel also argued that the trial judge failed to grapple with the questions of credibility arising from an affidavit signed by the complainant. Though the affidavit was not made an exhibit at trial, and we do not know its contents, the complainant testified at trial that he swore in it that he was unable to attend trial. He testified that he did so because he wanted to get the charges against the appellant withdrawn. Additionally, the complainant suggested in his testimony that he was pressured into signing it by several third parties, who were allegedly connected to the appellant. The complainant also equivocated as to whether his evidence in the affidavit was truthful.
- [6] In his reasons, the trial judge referred to the affidavit, in passing, as part of his assessment of the complainant's evidence: After being assaulted by Mr. Watson on a previous occasion, he knew that Mr. Watson was serious about this debt being paid and he wanted to make Mr. Watson and the problems go away. He felt the pressure coming from multiple individuals. He was being contacted by phone, and then he had a gun put to his head by another individual. It is clear as to why he wanted the charges dropped as he told Mr. Watson over text messages and why he swore the affidavit. As he stated, he just wanted all of this to go away. [Emphasis added.]
- [7] The Crown argues that the evidence was considered by the trial judge and was not misapprehended. The Crown highlights that while the complainant was equivocal as to the contents of the affidavit, he was clear that he signed it because he was frightened. Further, the complainant did not recant any evidence in his affidavit at trial. Nor was it argued that there were any inconsistencies between the affidavit and the complainant's testimony that the trial judge needed to reconcile.
- [8] In our view, it would have been preferable for the affidavit to have been included as an exhibit in the trial record. It is best practice in both civil and criminal cases for any document seen by the trial judge to be made either a numbered or lettered exhibit so that the panel of this court sitting on the appeal can discern without difficulty exactly what was before the trial judge at any moment in the course of the trial: 1162740 Ontario Limited v. Pingue, 2017 ONCA 52, 135 O.R. (3d) 792, at paras. 37-41, leave to appeal refused, [2017] S.C.C.A. No. 368; Girao v. Cunningham, 2020 ONCA 260, C.C.L.I. (6th) 15, at para. 22; R. v. Kwok, 2023 ONCA 458, 427 C.C.C. (3d) 462, at para. 23. The responsibility for recording exhibits falls primarily on the trial judge but also on trial counsel.

- [9] That said, the trial judge's treatment of the affidavit, and more broadly, his treatment of the evidence of the complainant, reveals no error. It was open to the trial judge to find the complainant's account of the robbery and assault credible, even where he found specific aspects of that account not to be reliable, especially, as here, where the aspects of the complainant's account that were accepted also were corroborated by other evidence in the record.
- [10] For these reasons, we dismissed the appeal. "P. Lauwers J.A." "L. Sossin J.A." "R. Pomerance J.A."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/coa/coa/en/item/23842/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-watson-2026-onca-11>

Prepared on 26 October 2026 · Esheria