

CANADA / JUDGMENT

R. v. Williams

2025 ONCA 880

COURT

Court of Appeal for Ontario

DECIDED

16 December 2025

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R. v. Williams Collection Decisions of the Court of Appeal Date 2025-12-16 Neutral citation 2025 ONCA 880 Docket numbers COA-23-CR-0988 Judges Zarnett, Benjamin; Dawe, Jonathan; Madsen, Lene Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Williams, 2025 ONCA 880[1] DATE: 20251216 DOCKET: COA-23-CR-0988 Zarnett, Dawe and Madsen JJ.A. BETWEEN His Majesty the King Respondent and Clyde Williams Appellant Carson Hurley, for the appellant Jacob Millns, for the respondent Heard and rendered orally: December 12, 2025 On appeal from the convictions entered by Justice Cynthia Petersen of the Superior Court of Justice on May 10, 2023, with reasons reported at 2023 ONSC 2757. REASONS FOR DECISION

- [1] The appellant was convicted of one count of assault, two counts of sexual assault, and one count of sexual exploitation. The complainants are mother and daughter: M.M., against whom one of the counts of sexual assault was committed, and D.D., against whom the other offences were committed. The appellant was the pastor at the church where both complainants were congregants at the relevant time.
- [2] The appellant's grounds of appeal from his convictions all pertain to recordings surreptitiously made by D.D. at a meeting attended by the appellant, with both complainants and members of their family. He contends that the trial judge improperly admitted the recordings without requiring the Crown to prove the criteria for admissibility under ss. 31.1 and 31.2 of the Canada Evidence Act, R.S.C. 1985, c. C-5, and without considering that their prejudicial effect outweighed their probative value. He also argues the trial judge improperly relied on the recordings and erred in her assessment of them.
- [3] We do not accept the appellant's arguments.
- [4] The recordings at issue were admitted into evidence without any objection by defence counsel at trial. Nor was there any objection made when the complainants and the appellant were questioned about the recordings. Indeed, the appellant in his evidence confirmed the recordings were accurate. His issue with them was how what was said should be interpreted. In closing submissions, defence counsel made no argument about the admissibility of the recordings, nor that their prejudicial impact outweighed their probative value.

- [5] We agree with the Crown on appeal that it is not open to the appellant to so drastically change his position from that taken at trial. Given the lack of objection, it was not necessary for the trial judge to conduct a voir dire at which the Crown would formally prove the criteria under the Canada Evidence Act. In any event, on the evidence it is clear those criteria were met.
- [6] The trial judge was well aware of the fact that the recordings tendered in evidence were not of the entire meeting. We see no error in the trial judge's reliance on the recordings as one of the many evidentiary factors that led to her conclusions on credibility and reliability. The assessment of what was said on the recordings, the weight to be ascribed to them, and the interplay between those statements and the other evidence were quintessentially matters for the trial judge and are owed deference by this court. No palpable and overriding error has been shown.
- [7] Accordingly, the appeal is dismissed. "B. Zarnett J.A." "J. Dawe J.A." "L. Madsen J.A."
- [1] This appeal is subject to publication bans pursuant to s. 486.4 of the Criminal Code, R.S.C. 1985, c. C-46.

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