

**SUPREME COURT OF CANADA**

|  |  |
| --- | --- |
| **Citation:** R. *v*. Quartey, 2018 SCC 59, [2018] 3 S.C.R. 687 | **Appeal heard:** December 14, 2018  **Judgment rendered:** December 14, 2018  **Docket:** 38026 |

Between:

**Kingsley Yianomah Quartey**

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** Moldaver, Karakatsanis, Côté, Brown and Martin JJ.

|  |  |
| --- | --- |
| **Reasons for Judgment:**  (paras. 1 to 3) | Brown J. (Moldaver, Karakatsanis, Côté and Martin JJ. concurring) |

R. *v*. Quartey, 2018 SCC 59, [2018] 3 S.C.R. 687

Kingsley Yianomah Quartey Appellant

v.

Her Majesty The Queen Respondent

Indexed as: R. *v.* **Quartey**

2018 SCC 59

File No.: 38026.

2018: December 14.

Present: Moldaver, Karakatsanis, Côté, Brown and Martin JJ.

on appeal from the court of appeal for alberta

*Criminal law — Evidence — Assessment — Credibility — Burden of proof — Generalizations and stereotypes — Accused convicted of sexual assault — Court of Appeal holding that trial judge’s credibility assessment could be reasonably supported by the record and that he did not apply generalizations and stereotypes in rejecting accused’s evidence or shift burden of proof to accused — Conviction upheld.*

**Cases Cited**

**Referred to:** *R. v. W. (D.)*, [1991] 1 S.C.R. 742.

APPEAL from a judgment of the Alberta Court of Appeal (Berger, Wakeling and Strekaf JJ.A.), 2018 ABCA 12, 43 C.R. (7th) 359, [2018] A.J. No. 55 (QL), 2018 CarswellAlta 70 (WL Can.), affirming the conviction of the accused for sexual assault. Appeal dismissed.

Kathryn Quinlan, for the appellant.

Troy Couillard, for the respondent.

The judgment of the Court was delivered orally by

1. Brown J. — We agree substantially with the majority at the Court of Appeal, and would dismiss the appeal. The trial judge’s analysis of the evidence reveals his path of reasoning that led to conviction, and permits effective appellate review.
2. Moreover, the trial judge did not err in his credibility analysis. He did not shift the burden of proof or hold the appellant’s evidence to a higher standard of scrutiny than that applied to the complainant’s evidence. As the majority at the Court of Appeal observed, the trial judge instructed himself on the principles of *R. v. W. (D.)*, [1991] 1 S.C.R. 742, and, based on internal contradictions in the appellant’s testimony and on the strength of the complainant’s testimony, he was entitled to conclude that the Crown had met its burden of proving the appellant’s guilt beyond a reasonable doubt.
3. Nor did the trial judge err by applying generalizations and stereotypes in rejecting the appellant’s evidence. We agree with the majority at the Court of Appeal that the trial judge’s statements in this regard were directed to the appellant’s *own* evidence and to the believability of *the appellant’s* claims about how *he* responded to the specific circumstances of this case, and not to some stereotypical understanding of how *men* in those circumstances would conduct themselves.

*Judgment accordingly.*

*Solicitors for the appellant: Dawson Duckett Garcia & Johnson, Edmonton.*

Solicitor for the respondent: Alberta Department of Justice, Edmonton.