

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* C.J., 2019 SCC 8, [2019] 1 S.C.R. 484 | **Appeal Heard:** February 12, 2019  **Judgment Rendered:** February 12, 2019  **Docket:** 38220 |

Between:

**Her Majesty The Queen**

Appellant

and

C.J.

Respondent

**Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis and Brown JJ.

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| **Reasons for Judgment:**  (paras. 1 to 3) | Wagner C.J. (Abella, Moldaver, Karakatsanis and Brown concurring) |

R. *v.* C.J., 2019 SCC 8, [2019] 1 S.C.R. 484

Her Majesty The Queen Appellant

v.

C.J. Respondent

**Indexed as:** R. ***v.*** C.J.

2019 SCC 8

File No.: 38220.

2019: February 12.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis and Brown JJ.

on appeal from the court of appeal of manitoba

*Criminal law — Appeals — Misapprehension of evidence — Review of trial judge’s credibility assessments — Accused convicted at trial of one count of sexual interference and one count of invitation to sexual touching —— Court of Appeal ordering new trial — Dissenting judge holding that deference owed to trial judge’s credibility assessments and that appeal should be dismissed — Trial judge did not misapprehend evidence or err in credibility findings — Convictions restored.*

APPEAL from a judgment of the Manitoba Court of Appeal (Beard, Monnin and Pfuetzner JJ.A.), 2018 MBCA 65, 362 C.C.C. (3d) 137, 47 C.R. (7th) 109, [2018] M.J. No. 144 (QL), 2018 CarswellMan 224 (WL Can.), setting aside the convictions of the accused for sexual interference and invitation to sexual touching and ordering a new trial. Appeal allowed.

Craig Savage, for the appellant.

Zilla Jones and Amanda Sansregret, for the respondent.

The judgment of the Court was delivered orally by

[1] The Chief Justice — For the reasons of Justice Pfuetzner, we would allow the appeal.

[2] More particularly, we agree with the dissenting judge that the trial judge did not misapprehend the evidence or draw inferences unavailable on the evidence, nor did he err in his credibility findings.

[3] The appeal is therefore allowed and the convictions are restored.

*Judgment accordingly.*

Solicitor for the appellant: Manitoba Justice, Winnipeg.

Solicitors for the respondent: Jones Law Office, Winnipeg; Legal Aid Manitoba, Winnipeg.