



SUPREME COURT OF CANADA

CITATION: R. v. Badger, 2022 SCC 20

APPEAL HEARD: May 16, 2022

JUDGMENT RENDERED: May 16,
2022

DOCKET: 39844

BETWEEN:

Jacob Charles Badger
Appellant

and

Her Majesty The Queen
Respondent

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

JUDGMENT READ BY: Moldaver J.
(para. 1)

MAJORITY: Moldaver, Côté and Brown JJ.

DISSENT: Karakatsanis and Martin JJ.

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Jacob Charles Badger

Appellant

v.

Her Majesty The Queen

Respondent

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

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

*Criminal law — Evidence — Spontaneous utterances — Alibi — Identification —
Accused convicted of aggravated assault at trial — Accused appealing conviction on basis that
trial judge erred in admitting evidence of spontaneous utterances, in assessment of alibi evidence
and in assessment of identification evidence — Majority of Court of Appeal dismissing appeal —*

Dissenting judge finding that trial judge failed to conduct analysis of identification evidence that law requires — Conviction upheld.

APPEAL from a judgment of the Saskatchewan Court of Appeal (Caldwell, Tholl and Kalmakoff JJ.A.), **2021 SKCA 118**, 406 C.C.C. (3d) 459, 468 D.L.R. (4th) 610, [2022] 1 W.W.R. 600, [2021] S.J. No. 382 (QL), 2021 CarswellSask 514 (WL), affirming the conviction entered by Hinds Prov. Ct. J., 2019 SKPC 65, [2019] S.J. No. 457 (QL), 2019 CarswellSask 599 (WL). Appeal dismissed, Karakatsanis and Martin JJ. dissenting.

Thomas Hynes and Zachary Carter, for the appellant.

Grace Hession David, for the respondent.

The judgment of the Court was delivered orally by

[1] MOLDAVER J. — A majority of the Court would dismiss the appeal, substantially for the reasons of the majority of the Saskatchewan Court of Appeal. Justices Karakatsanis and Martin would allow the appeal, substantially for the reasons of the dissenting judge of the Court of Appeal.

Judgment accordingly.

Solicitors for the appellant: Pfefferle Law Office, Saskatoon.

Solicitor for the respondent: Attorney General of Saskatchewan, Regina.

