



SUPREME COURT OF CANADA

CITATION: R. v. S.S., 2023 SCC 1

APPEAL HEARD: January 10, 2023

JUDGMENT RENDERED: January 10,
2023

DOCKET: 40147

BETWEEN:

His Majesty The King
Appellant

and

S.S.
Respondent

- and -

Criminal Lawyers' Association (Ontario) and Criminal Trial Lawyers' Association
Interveners

CORAM: Wagner C.J. and Karakatsanis, Côté, Rowe, Martin, Kasirer and O'Bonsawin JJ.

JUDGMENT READ

BY: Wagner C.J.
(para. 1)

MAJORITY: Wagner C.J. and Karakatsanis, Côté, Martin, Kasirer and O'Bonsawin JJ.

DISSENT: Rowe J.

COUNSEL:

Michael S. Dunn, for the appellant.

Jeff Marshman and *Ingrid Grant*, for the respondent.

Maija Martin and *Nicola Langille*, for the intervener the Criminal Lawyers' Association (Ontario).

William J. van Engen and *Deborah R. Hatch*, for the intervener the Criminal Trial Lawyers' Association.

NOTE: This document is subject to editorial revision before its reproduction in final form in the *Canada Supreme Court Reports*.

No. 40147

January 11, 2023

Le 11 janvier 2023

Coram: Wagner C.J. and Karakatsanis,
Côté, Rowe, Martin, Kasirer and
O'Bonsawin JJ.

Coram : Le juge en chef Wagner et les juges
Karakatsanis, Côté, Rowe, Martin, Kasirer
et O'Bonsawin

BETWEEN:

His Majesty The King

Appellant

- and -

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- and -

Criminal Lawyers' Association (Ontario)
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Interveners

JUDGMENT

The appeal from the judgment of the Court of Appeal for Ontario, Number C68062, **2022 ONCA 305**, dated April 21, 2022, was heard on January 10, 2023, and the

ENTRE :

Sa Majesté le Roi

Appelant

- et -

S.S.

Intimé

- et -

Criminal Lawyers' Association (Ontario) et
Criminal Trial Lawyers' Association

Intervenantes

JUGEMENT

L'appel interjeté contre l'arrêt de la Cour d'appel de l'Ontario, numéro C68062, **2022 ONCA 305**, daté du 21 avril 2022, a été entendu le 10 janvier 2023 et la Cour a

No. 40147

Court on that day delivered the following judgment orally:

prononcé oralement le même jour le jugement suivant :

THE CHIEF JUSTICE — A majority of this Court would allow the appeal, substantially for the reasons of the dissenting judge, MacPherson J.A. Justice Rowe would dismiss the appeal, substantially for the reasons of the majority of the Court of Appeal. Therefore, the appeal is allowed and the conviction is restored.

[TRADUCTION]

LE JUGE EN CHEF — La Cour est d'avis, à la majorité, d'accueillir l'appel, et ce, essentiellement pour les motifs dissidents exposés par le juge d'appel MacPherson. Le juge Rowe rejetterait l'appel, principalement pour les motifs des juges majoritaires de la Cour d'appel. En conséquence, l'appel est accueilli et la déclaration de culpabilité est rétablie.

C.J.C.
J.C.C.