

**SUPREME COURT OF CANADA**

|  |  |
| --- | --- |
| **Citation:** R. *v.* C.K-D., 2016 SCC 41, [2016] 2 S.C.R. 160 | **Reference of a matter heard:** October 14, 2016  **Order:** October 14, 2016  **Docket:** 36877 |

Between:

Her Majesty The Queen

Appellant

and

C.K-D.

Respondent

**Coram:** Abella, Moldaver, Wagner, Côté and Brown JJ.

|  |  |
| --- | --- |
| **Reasons for Order:**  (para. 1) | Wagner J. (Abella, Moldaver, Côté and Brown JJ. concurring) |

R. *v.* C.K-D., 2016 SCC 41, [2016] 2 S.C.R. 160

Her Majesty The Queen Appellant

v.

C.K-D. Respondent

**Indexed as:** R. ***v.*** C.K-D.

2016 SCC 41

File No.: 36877.

2016: October 14.

Present: Abella, Moldaver, Wagner, Côté and Brown JJ.

on appeal from the court of appeal for ontario

*Criminal law — Charge to jury — Testimony of children — 17-year-old complainant testifying about alleged events that took place when she was 12 years old — Trial judge instructing jury to consider memory of 12-year-old — Trial judge’s charge to jury as a whole conveying correct instruction — Accused’s convictions restored.*

APPEAL from a judgment of the Ontario Court of Appeal (Sharpe, Hourigan and Benotto JJ.A.), 2016 ONCA 66, [2016] O.J. No. 385 (QL), 2016 CarswellOnt 868 (WL Can.), setting aside the accused’s convictions for sexual assault and sexual interference entered by Aitken J. and ordering a new trial. Appeal allowed.

Michael Bernstein, for the appellant.

Louis P. Strezos, *Jill R. Presser* and *Jeff Marshman*, for the respondent.

Thejudgment of the Court was delivered orally by

[1] Wagner J. — The trial judge’s charge to the jury as a whole conveyed the correct instruction to the jury on the proper approach to assessing A.Y.’s evidence and credibility. On this basis, the appeal should be allowed and the convictions restored.

*Judgment accordingly.*

Solicitor for the appellant: Attorney General of Ontario, Toronto.

Solicitors for the respondent: Louis P. Strezos, Toronto; Presser Barristers, Toronto.