

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Olotu, 2017 SCC 11, [2017] 1 S.C.R. 168 | **Appeal heard:** February 21, 2017  **Judgment rendered:** February 21, 2017  **Docket:** 37167 |

Between:

**Olabode Abayolmi Olotu**

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** Karakatsanis, Wagner, Gascon, Côté and Brown JJ.

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| **Reasons for Judgment:**  (para. 1) | Karakatsanis J. (Wagner, Gascon, Côté and Brown JJ. concurring) |

R. *v.* Olotu, 2017 SCC 11, [2017] 1 S.C.R. 168

Olabode Abayolmi Olotu Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.*** Olotu

2017 SCC 11

File No.: 37167.

2017: February 21.

Present: Karakatsanis, Wagner, Gascon, Côté and Brown JJ.

on appeal from the court of appeal for saskatchewan

*Criminal law — Appeals — Misapprehension of evidence — Unreasonable verdict — Accused convicted of sexual assault causing bodily harm — Court of Appeal finding that trial judge did not misapprehend evidence — Verdict not unreasonable — Conviction upheld.*

**Cases Cited**

**Referred to:** *R. v. Beaudry*, 2007 SCC 5, [2007] 1 S.C.R. 190.

**Statutes and Regulations Cited**

*Criminal Code*, R.S.C. 1985, c. C-46, s. 686(1)(a)(i), (iii).

APPEAL from a judgment of the Saskatchewan Court of Appeal (Jackson, Whitmore and Ryan-Froslie JJ.A.), 2016 SKCA 84, 484 Sask. R. 12, 674 W.A.C. 12, 338 C.C.C. (3d) 321, [2016] S.J. No. 389 (QL), 2016 CarswellSask 453 (WL Can.), upholding the accused’s conviction for sexual assault causing bodily harm. Appeal dismissed.

Mark Vanstone, *Karl Roemer* and *Mike Ochs*, for the appellant.

Beverly L. Klatt, for the respondent.

The judgment of the Court was delivered orally by

1. Karakatsanis J. — Applying the appellate standard of review, with respect to the question of whether the trial judge misapprehended the evidence or failed to consider the totality of the evidence resulting in a miscarriage of justice under s. 686(1)(a)(iii) of the *Criminal Code*, R.S.C. 1985, c. C-46, we substantially agree with the reasons of Justice Jackson in the Saskatchewan Court of Appeal on this issue. With respect to the further ground of appeal, the alleged *Beaudry* error (*R. v. Beaudry*, 2007 SCC 5, [2007] 1 S.C.R. 190), we are satisfied that the trial judge did not reach his decision by an illogical or irrational reasoning process, and his verdict was not unreasonable within the meaning of s. 686(1)(a)(i) of the *Criminal Code*. As a result, the appeal is dismissed.

Judgment accordingly.

Solicitors for the appellant: WMCZ Lawyers, Saskatoon.

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