

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Bourgeois, 2017 SCC 49, [2017] 2 S.C.R. 287 | **Appeal heard:** October 13, 2017  **Judgment rendered:** October 13, 2017  **Docket:** 37461 |

Between:

**Michael Shawn Bourgeois**

Appellant

and

Her Majesty The Queen

Respondent

**Coram:** Moldaver, Gascon, Côté, Brown and Rowe JJ.

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

R. *v.* Bourgeois, 2017 SCC 49, [2017] 2 S.C.R. 287

**Michael Shawn Bourgeois** Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.* Bourgeois**

2017 SCC 49

File No.: 37461.

2017: October 13.

Present: Moldaver, Gascon, Côté, Brown and Rowe JJ.

on appeal from the court of appeal for alberta

*Criminal law — Appeals — Unreasonable verdict — Accused convicted of sexual assault — Court of Appeal finding that appellate intervention not warranted – Verdict not unreasonable — Conviction upheld.*

**Statutes and Regulations Cited**

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

APPEAL from a judgment of the Alberta Court of Appeal (Berger, Martin and Slatter JJ.A.), 2017 ABCA 32, 345 C.C.C. (3d) 439, [2017] 5 W.W.R. 455, 49 Alta. L.R. (6th) 11, [2017] A.J. No. 79 (QL), 2017 CarswellAlta 106 (WL Can.), affirming the conviction of the accused for sexual assault. Appeal dismissed.

Jennifer Ruttan and *Michael Bates*, for the appellant.

Brian Graff, for the respondent.

The judgment of the Court was delivered orally by

1. Moldaver J. — This appeal comes to us as of right from the Court of Appeal of Alberta. A majority of the court concluded that there was no basis for overturning the appellant’s conviction for sexual assault. Justice Berger, dissenting, held that the verdict was unreasonable pursuant to s. 686(1)(a)(i) of the *Criminal Code*, R.S.C. 1985, c. C-46. We are not persuaded that the trial judge reached his decision by an illogical or irrational reasoning process; nor are we persuaded that his verdict was unreasonable within the meaning of s. 686(1)(a)(i). As a result, we would dismiss the appeal.

*Judgment accordingly.*

Solicitors for the appellant: Ruttan Bates, Calgary.

Solicitor for the respondent: Attorney General of Alberta, Calgary.