

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Colling, 2018 SCC 23, [2018] 1 S.C.R. 692 | **Appeal heard:** May 18, 2018  **Judgment rendered:** May 18, 2018  **Docket:** 37905 |

Between:

**Jason Colling**

Appellant

and

Her Majesty The Queen

Respondent

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

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

R. *v.* Colling, 2018 SCC 23, [2018] 1 S.C.R. 692

Jason Colling Appellant

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.*** Colling

2018 SCC 23

File No.: 37905.

2018: May 18.

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

on appeal from the court of appeal for alberta

*Criminal law — Trial — Trial judge intervening in cross-examination of complainant during accused’s trial for sexual assault — Accused appealing conviction on ground that trial judge’s interventions rendered trial unfair and created reasonable apprehension of bias — Court of Appeal dismissing appeal — Conviction upheld.*

APPEAL from a judgment of the Alberta Court of Appeal (Berger, Martin and Strekaf JJ.A.), 2017 ABCA 286, 356 C.C.C. (3d) 417, 42 C.R. (7th) 422, [2017] A.J. No. 1370 (QL), 2017 CarswellAlta 2682 (WL Can.), affirming the conviction of the accused for sexual assault. Appeal dismissed.

Michael Bates and Nicole Rodych, for the appellant.

Iwona Kuklicz, for the respondent.

The judgment of the Court was delivered orally by

1. Abella J. — The trial judge’s conduct in intervening in the manner in which he did, by stepping into the shoes of counsel, raises serious concerns and ought not to be repeated. Overall, however, we are not persuaded that a miscarriage of justice has been shown. We are therefore of the view that a new trial is not warranted. The appeal is dismissed.

*Judgment accordingly.*

Solicitors for the appellant: Ruttan Bates, Calgary.

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