



**SUPREME COURT OF CANADA**

**CITATION:** R. v. Mehari, 2020 SCC 40

**APPEAL HEARD:** December 4,  
2020

**JUDGMENT RENDERED:** December  
4, 2020

**DOCKET:** 39109

**BETWEEN:**

**Her Majesty The Queen**  
Appellant

and

**Awet Mehari**  
Respondent

**CORAM:** Abella, Brown, Rowe, Martin and Kasirer JJ.

**UNANIMOUS**

**JUDGMENT READ** Martin J.

**BY:**

(paras. 1 to 2)

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R. v. MEHARI

**Her Majesty The Queen**

*Appellant*

v.

**Awet Mehari**

*Respondent*

**Indexed as: R. v. Mehari**

**2020 SCC 40**

File No.: 39109.

2020: December 4.

Present: Abella, Brown, Rowe, Martin and Kasirer JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

*Criminal law — Evidence — Assessment — Credibility — Uneven scrutiny — Trial judge convicting accused of sexual assault — Majority of Court of Appeal finding trial judge erred in credibility assessment by applying different level of scrutiny to evidence of accused compared*

*to that of complainant and ordering new trial — Trial judge made no error warranting intervention on appeal — Matter remitted to Court of Appeal to decide other grounds of appeal.*

APPEAL from a judgment of the Saskatchewan Court of Appeal (Whitmore, Leurer and Kalmakoff JJ.A.), 2020 SKCA 37, 387 C.C.C. (3d) 147, [2020] S.J. No. 100 (QL), 2020 CarswellSask 136 (WL Can.), setting aside the conviction of the accused for sexual assault and ordering a new trial. Appeal allowed.

*W. Dean Sinclair, Q.C.*, for the appellant.

*Aaron A. Fox, Q.C.*, and *Darren Kraushaar*, for the respondent.

The following is the judgment delivered orally by

[1] THE COURT — This Court has not decided whether uneven scrutiny, if it exists, can amount to an independent ground of appeal or a separate and distinct error of law. In any event, we see no error in respect of this argument that would have warranted intervention on appeal.

[2] Accordingly, the appeal is allowed and the matter remitted to the Court of Appeal to decide the grounds of appeal the majority did not address.

*Judgment accordingly.*

*Solicitor for the appellant: Attorney General of Saskatchewan, Regina.*

*Solicitors for the respondent: McDougall Gauley, Regina.*