

# In the Court for the Northwest Territories

**Citation:** R v Wilson, 2017 NWTCA 4.cor.1

**Date Corrigendum Filed:** 2017 06 26

**Date:** 20170622

**Docket:** A-1-AP-2015-000010

**Registry:** Yellowknife, N.W.T.

**Between:**

**Her Majesty the Queen**

Respondent

- and -

**James Wilson**

Appellant

## **Restriction on Publication**

**Identification Ban** – See the *Criminal Code*, section 486.4.

By Court Order, information that may identify the victim must not be published, broadcast, or transmitted in any way.

**NOTE:** This judgment is intended to comply with the identification ban.

**Corrected judgment:** A corrigendum was issued on June 26, 2017; the corrections have been made to the text and the corrigendum is appended to this judgment.

**The Court:**

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**The Honourable Mr. Justice Jack Watson  
The Honourable Mr. Justice Frans Slatter  
The Honourable Madam Justice Shannon Smallwood**

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**Memorandum of Judgment  
Delivered from the Bench**

Appeal from the Conviction by  
The Honourable Madam Justice L.A. Charbonneau  
Dated the 28th day of May, 2015  
(Docket: S-1-CR-2014-000060)

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**Memorandum of Judgment  
Delivered from the Bench**

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**Watson JA (for the Court):**

[1] The appellant challenges his conviction for sexual assault of AK, alleged to have occurred in September, 2013.

[2] Once the appellant testified at trial, the case came down to the reliability of the evidence of AK in selecting as her assailant the appellant, who admitted to being one of three males in the residence, all of whom were known to AK.

[3] The jury was instructed correctly on issues of identification and evidence assessment. They were also instructed not to adjudicate on sympathy for AK, who had apparent communication difficulties and was not entirely consistent in her evidence.

[4] That said, the jury was entitled to rely upon her evidence as a whole. The Supreme Court has made it clear that on an appeal from conviction by jury, “the reviewing court must ask itself whether the jury’s verdict is supportable on *any* reasonable view of the evidence and whether proper judicial fact finding precludes the conclusion reached by the jury.” So said the Court in *R v H(W)*, 2013 SCC 22 at paras 2, 26 to 28. The Court emphasized the word “any” in this passage. Applying that guidance here, we have no basis to reverse the conviction. The appeal is dismissed.

Appeal heard on June 13, 2017

Memorandum filed at Yellowknife, N.W.T.

This 22<sup>th</sup> day of June, 2017

“Watson”  
Watson J.A.

**Appearances:**

B. Green  
for the Respondent

E. McIntyre  
for the Appellant

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**Corrigendum of the Memorandum of Judgment  
Delivered from the Bench**

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The Appearance page was amended to read: B. Green for the Respondent and E. McIntyre for the Appellant

IN THE COURT OF APPEAL  
FOR THE NORTHWEST TERRITORIES

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**Between:**

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- and -

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MEMORANDUM OF JUDGMENT

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