



**SUPREME COURT OF CANADA**

**CITATION:** R. v. Badger, 2022 SCC 20

**APPEAL HEARD:** May 16, 2022

**JUDGMENT RENDERED:** May 16,  
2022

**DOCKET:** 39844

**BETWEEN:**

**Jacob Charles Badger**  
Appellant

and

**Her Majesty The Queen**  
Respondent

**CORAM:** Moldaver, Karakatsanis, Côté, Brown and Martin JJ.

**JUDGMENT READ BY:** Moldaver J.  
(para. 1)

**MAJORITY:** Moldaver, Côté and Brown JJ.

**DISSENT:** Karakatsanis and Martin JJ.

**NOTE:** This document is subject to editorial revision before its reproduction in final form in the *Canada Supreme Court Reports*.

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**Jacob Charles Badger**

*Appellant*

v.

**Her Majesty The Queen**

*Respondent*

**Indexed as: R. v. Badger**

**2022 SCC 20**

File No.: 39844.

2022: May 16.

Present: Moldaver, Karakatsanis, Côté, Brown and Martin JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

*Criminal law — Evidence — Spontaneous utterances — Alibi — Identification — Accused convicted of aggravated assault at trial — Accused appealing conviction on basis that trial judge erred in admitting evidence of spontaneous utterances, in assessment of alibi evidence and in assessment of identification evidence — Majority of Court of Appeal dismissing appeal —*

*Dissenting judge finding that trial judge failed to conduct analysis of identification evidence that law requires — Conviction upheld.*

APPEAL from a judgment of the Saskatchewan Court of Appeal (Caldwell, Tholl and Kalmakoff JJ.A.), 2021 SKCA 118, 406 C.C.C. (3d) 459, 468 D.L.R. (4th) 610, [2022] 1 W.W.R. 600, [2021] S.J. No. 382 (QL), 2021 CarswellSask 514 (WL), affirming the conviction entered by Hinds Prov. Ct. J., 2019 SKPC 65, [2019] S.J. No. 457 (QL), 2019 CarswellSask 599 (WL). Appeal dismissed, Karakatsanis and Martin JJ. dissenting.

*Thomas Hynes and Zachary Carter, for the appellant.*

*Grace Hession David, for the respondent.*

The judgment of the Court was delivered orally by

[1] MOLDAVER J. — A majority of the Court would dismiss the appeal, substantially for the reasons of the majority of the Saskatchewan Court of Appeal. Justices Karakatsanis and Martin would allow the appeal, substantially for the reasons of the dissenting judge of the Court of Appeal.

*Judgment accordingly.*

*Solicitors for the appellant: Pfefferle Law Office, Saskatoon.*

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

