

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. K.Q.S., 2025 ONCA 237¹

DATE: 20250326

DOCKET: COA-23-CR-0074

Fairburn A.C.J.O., Hourigan and Huscroft JJ.A.

BETWEEN

His Majesty the King

Respondent

and

K.Q.S.

Appellant

K.Q.S., acting in person

Sonya Shikhman, appearing as duty counsel

Frank Au, for the respondent

Heard and released orally: September 11, 2024

On appeal from the convictions entered by Justice Laurie Lacelle of the Superior Court of Justice on July 15, 2022, and from the sentence imposed on December 9, 2022.

¹ This appeal is subject to a publication ban pursuant to s. 486.4 of the *Criminal Code*, R.S.C. 1985, c. C-46.

REASONS FOR DECISION

[1] The appellant was convicted of sexual interference and sexual assault. He was sentenced to a global sentence of 5 years in custody. He appeals from conviction and sentence.

[2] On the conviction appeal, he claims that the trial judge's reasons reveal two errors. One, a failure to consider the totality of the evidence against what are said to have been inconsistencies in the witness's accounts. Two, how she treated delayed disclosure in relation to one of the events.

[3] We see no error in the trial judge's careful and thorough approach in her reasons for judgment on these issues and more generally.

[4] As for the sentence appeal, the sentence imposed was entirely fit. This was an egregious offence involving a young person sexually interfered with in what should have been the safety of her own home. Despite the appellant's lack of criminal record, we see this sentence as fit and within the range.

[5] The conviction appeal is dismissed. Leave to appeal sentence is granted. The sentence appeal is dismissed.

"Fairburn A.C.J.O."
"C.W. Hourigan J.A."
"Grant Huscroft J.A."