

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Buni, 2026 ONCA 250

DATE: 20260402

DOCKET: COA-23-CR-0223

Trotter, Sossin and Copeland JJ.A.

BETWEEN

His Majesty the King

Respondent

and

Idriss Buni

Appellant

Paul J.I. Alexander, for the appellant

Adrianna Mills, for the respondent

Heard and rendered orally: March 31, 2026

On appeal from the convictions entered by Justice David P. Cole of the Ontario Court of Justice, on December 6, 2021.

REASONS FOR DECISION

[1] The appellant was convicted of aggravated assault, assault with a weapon, and possession of a weapon. The complainant was stabbed in the torso causing an injury that required medical attention. The sole issue at trial was the identity of the stabber.

[2] The complainant and the appellant had known each other for quite some time. They had been drinking together earlier in the evening and got into a fight in the appellant's apartment unit. The complainant left and went to another unit. The appellant subsequently tried to get into that unit to engage further with the complainant. He was armed with a weapon. The appellant was rebuffed a couple of times by other occupants before he succeeded in gaining entry to the apartment. The complainant saw the appellant in the apartment with a knife. In the scuffle that ensued, the complainant was stabbed in the torso. However, the complainant did not actually see the appellant stab him. Nonetheless, the appellant fled the apartment immediately. Shortly afterwards the police arrived on the scene. An officer saw a trail of blood in a stairwell leading upstairs to a floor where the appellant was found in a third apartment. At the time he had two knives, one in his front pocket and the other in his back pocket. Some months later, the complainant ran into the appellant, who apologized to him and asked that he not attend court.

[3] The appellant contends on appeal that the trial judge's brief reasons are insufficient to permit meaningful appellate review. In very general terms, the trial

judge adverted to the frailties in the complainant's evidence, but found that these frailties were "cured" by the subsequent encounter between the two men when the apology was offered. The appellant contends that the trial judge was required to grapple with the complainant's evidence in which he purported to identify the appellant as the assailant. Moreover, the trial judge needed to better explain why he believed that the appellant's apology was sufficient to permit an inference of consciousness of guilt.

[4] We agree that it would have been preferable had the trial judge been more expansive in his reasons. However, the issue at trial was a very narrow one. Collectively, the evidence pointing to the appellant as the assailant was powerful, especially the evidence of the police investigation leading to the appellant's arrest. Moreover, trial counsel did not cross-examine the complainant on whether the apology occurred, nor did trial counsel object to the admissibility of the apology. Instead, he merely submitted that it should not be given much weight.

[5] When the trial judge's reasons are considered in light of the evidence as a whole, and the submissions of counsel, they were adequate.

[6] We do not accept the submission that the trial judge erred in his consideration of the apology, both in terms of consciousness of guilt or self-corroboration of the complainant. On this record, there was no basis for an

alternative explanation for the apology and the trial judge was entitled to consider it as confirmatory evidence.

[7] The appeal is dismissed.

“Gary Trotter J.A.”

“L. Sossin J.A.”

“J. Copeland J.A.”