



SUPREME COURT OF CANADA

CITATION: R. v. Chatillon, 2023
SCC 7

APPEAL HEARD: March 15, 2023
JUDGMENT RENDERED: March 15,
2023
DOCKET: 40331

BETWEEN:

His Majesty The King
Appellant

and

Olivier Chatillon
Respondent

- and -

Association québécoise des avocats et avocates de la défense
Intervener

OFFICIAL ENGLISH TRANSLATION

CORAM: Wagner C.J. and Karakatsanis, Côté, Rowe, Martin, Kasirer and O’Bonsawin JJ.

JUDGMENT READ

BY: Wagner C.J.
(paras. 1 to 3)

MAJORITY: Wagner C.J. and Karakatsanis, Rowe, Martin, Kasirer and
O’Bonsawin JJ.

DISSENT: Côté J.

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Canada Supreme Court Reports.

His Majesty The King

Appellant

v.

Olivier Chatillon

Respondent

and

Association québécoise des avocats et avocates de la défense

Intervener

Indexed as: R. v. Chatillon

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File No.: 40331.

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Present: Wagner C.J. and Karakatsanis, Côté, Rowe, Martin, Kasirer and O’Bonsawin JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR QUEBEC

Criminal law — Evidence — Admissibility — Admissions — Accused voluntarily making admissions, during treatment process, concerning acts of sexual nature committed by him against child — Admissions sent to director of youth protection and then to police with accused’s consent — Accused charged with sexual assault — Accused filing motion to exclude admissions — Trial judge dismissing motion on ground that application of Wigmore criteria did not result in admissions being inadmissible — Accused convicted of sexual assault — Majority of Court of Appeal entering acquittal on ground that admissions were inadmissible — Dissenting judge finding that admissions were admissible because accused had expressly waived their confidentiality by consenting to their disclosure — Conviction restored.

APPEAL from a judgment of the Quebec Court of Appeal (Vauclair, Mainville and Healy JJ.A.), [2022 QCCA 1072](#), 83 C.R. (7th) 403, [2022] J.Q. n° 7757 (QL), 2022 CarswellQue 11441 (WL), setting aside the conviction of the accused for sexual assault and entering an acquittal. Appeal allowed, Côté J. dissenting.

Maxime Hébrard and Julien Fitzgerald, for the appellant.

Nicolas Lemyre-Cossette and Marie-Pier Boulet, for the respondent.

Cynthia Lacombe, for the intervener.

English version of the judgment of the Court delivered orally by

[1] THE CHIEF JUSTICE — A majority of the Court is of the view that the appeal should be allowed on the sole issue of the respondent’s consent to the disclosure of his admissions, discussed by the dissenting judge at paras. 83-85 of the reasons. In the Court’s opinion, this is sufficient to dispose of the appeal.

[2] Côté J. would have dismissed the appeal, substantially for the reasons of the majority of the Court of Appeal.

[3] The appeal is allowed, the judgment of the Court of Appeal is set aside and the respondent’s conviction is restored.

Judgment accordingly.

*Solicitor for the appellant: Procureur aux poursuites criminelles et pénales,
Longueuil.*

Solicitors for the respondent: Poitras, Fournier, Cossette, Granby; BMD, Laval.

Solicitors for the intervener: BMD, Laval.