



The Supreme Court upholds a man’s conviction for dangerous driving causing bodily harm.

The issue in the appeal was whether a judge presiding over a dangerous driving trial rendered an unreasonable decision on the basis of inferences that were illogical and clearly contradicted by the evidence.

Gabriel Boudreau was convicted of dangerous driving causing bodily harm as a result of a collision between his vehicle and the complainant’s on a Québec City highway in 2017. Mr. Boudreau’s vehicle rear-ended the complainant’s vehicle. The complainant suffered a cervical dorsal sprain, the symptoms of which persisted at the time of the trial four years later.

The complainant and Mr. Boudreau gave contradictory versions of the events. The complainant stated that, at the time of the collision, she was driving in the left lane because of the slow traffic in the right lane when Mr. Boudreau’s vehicle forcefully struck hers from behind. As for Mr. Boudreau, he admitted that he had been driving over the speed limit but said that he had slowed down prior to the collision because traffic on the highway had become heavier. According to him, the accident occurred because the complainant suddenly moved into the left lane without signalling and he was unable to avoid it.

In finding that Mr. Boudreau had been driving erratically prior to the collision, the judge relied on three witness accounts and a video obtained from a department of transport camera that showed Mr. Boudreau driving before his vehicle climbed a hill and went out of camera range. However, because the collision itself could not be seen on the video, the judge had only the accounts given by the complainant and Mr. Boudreau available to her to determine what had happened at the moment of impact. She found that Mr. Boudreau’s version of events, according to which the complainant had quickly pulled into the left lane, was inconsistent with the report assessing the damage caused to the complainant’s vehicle, as the report indicated damage not just to the left rear corner of the vehicle but to the entire rear structure. The judge reasoned that if the complainant had suddenly moved into the left lane, the damage would have been on the left side of her vehicle, not the rear. The judge therefore accepted the complainant’s version of events and convicted Mr. Boudreau.

Mr. Boudreau appealed his conviction to the Quebec Court of Appeal. He argued that the trial judge had made errors in assessing the evidence and that those errors had led to an unreasonable decision. The majority of the Court of Appeal dismissed the appeal.

One Court of Appeal judge dissented. She would have allowed the appeal, set aside the conviction and ordered a new trial. In her view, the trial judge had made two errors that had led to an unreasonable decision. First, the trial judge had wrongly rejected Mr. Boudreau’s testimony on the basis of an illogical inference, namely that if the complainant had suddenly changed lanes, the impact would have occurred on the left side of the car, not the left rear corner. In the dissenting judge’s opinion, Mr. Boudreau’s version of events was perfectly consistent with the location of the damage, that is, the rear of the vehicle, particularly the left rear corner. Second, she was of the view that the trial judge’s finding that the complainant had been driving in the left lane well before the impact was contradicted by the testimony of the complainant herself, who stated that she had moved into the left lane because of congestion in the right lane.

Mr. Boudreau appealed to the Supreme Court of Canada.

The Supreme Court has dismissed the appeal.

As a result, the conviction is upheld.

Justice Côté read the judgment of the Court. You can watch a recording of it [here](#).

A print version of the judgment that was read out will be available here once finalized.

Breakdown of the decision: *Unanimous*: The Court dismissed the appeal (Justices [Côté](#), [Martin](#), [Kasirer](#), [Jamaal](#) and [O’Bonsawin](#) heard the appeal)

More information: [Case information](#)

Lower court rulings: Conviction (Court of Québec - unreported) | [Appeal](#) (Court of Appeal of Quebec – in French only)
