SUPREME COURT OF CANADA

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Case in Brief: *R. v. Dubé*

Judgment of November 2, 2026 | On appeal from the Court of Appeal of Quebec
Neutral citation: 2026 SCC 36

The Supreme Court of Canada confirms that a new trial must be held for a man charged with sexual assault.

The accused, Lipson Dubé, 18 years old, spent an evening in the company of two teenage girls. Over the course of the evening, the two young women consumed alcohol, while Mr. Dubé stayed sober. Later, when Mr. Dubé and one of the teenage girls were alone, they had sexual relations. The complainant stated that she had not consented to it and had asked Mr. Dubé to stop. Mr. Dubé claimed that he had believed that she had consented to the sexual relations because of her seductive behaviour throughout the evening.

At trial, the judge acquitted Mr. Dubé of the charge of sexual assault. He noted differences and contradictions in the testimony. He found that Mr. Dubé's version of events, considered with all the evidence, raised a reasonable doubt as to his guilt. He also found that his defence of honest but mistaken belief in consent was plausible.

A majority of the Quebec Court of Appeal allowed the prosecution's appeal, overturned the acquittal and ordered a new trial. According to the majority, the trial judge had not specified the reasonable steps Mr. Dubé had purportedly taken to ascertain that the complainant was consenting. These steps are a necessary condition for raising the defence of honest but mistaken belief in consent. They found that this omission prevented a valid assessment of the acquittal on appeal.

One Court of Appeal judge did not agree. According to him, the acquittal was based on the assessment of all the evidence and the credibility of the witnesses, which had left room for reasonable doubt as to Mr. Dubé's guilt. In his view, these were questions of fact, whereas the prosecution may appeal an acquittal only on a question of law.

The Supreme Court dismissed the appeal.

Accordingly, a new trial is confirmed.

Chief Justice Wagner read the judgment of a majority of the Court. View the video recording of the judgment.

A print version of the judgment that was read out will be available on the Judgments on appeals page once finalized.

Breakdown of the decision: A majority of the Court dismissed the appeal (Chief Justice Wagner and Justices Karakatsanis, Kasirer and O'Bonsawin) | In dissent, Justice Côté would have allowed the appeal

More information: Case information

Lower court rulings: Acquittal (Court of Québec – in French only) | Appeal (Court of Appeal of Quebec – in French only)

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