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2026 BCPC 241

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2026 BCPC 241 (CanLII)

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

REX

v.

G.N.

PUBLICATION BAN Pursuant to s. 486.4(2.2) of the *Criminal Code of Canada*

REASONS FOR JUDGMENT
OF THE
HONOURABLE JUDGE G.M. RIDEOUT

Counsel for the Crown:	M. Myhre
Counsel for the Defendant:	D. Hopkins
Place of Hearing:	Vancouver, B.C.
Dates of Hearing:	January 19-21, 26-29, February 2-5, 9, 10, March 16-18, April 14-16, 24, 28, May 19, 2026
Date of Judgment:	September 3, 2026

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I. INTRODUCTION

[1] The accused, G.N., has been charged in an Information with the following offences:

- Extortion, contrary to s. 346(1.1)(b) of the *Criminal Code of Canada* (the "*Code*");
- Sexual interference of a person under the age of sixteen years, contrary to s. 151 of the *Code*; and
- Sexual assault causing bodily harm of a person under sixteen years of age, contrary to s. 272(2)(a.2) of the *Code*.

[2] The allegations relate to incidents from the 11th day of December 2017, through the 15th day of January 2019, at Vancouver, British Columbia.

[3] It is alleged K.C., the complainant in each of the allegations, is a first cousin of G.N. At the time of the allegations K.C. was 12 years of age and G.N. 18 years of age.

[4] The events surrounding the allegations became known in July 2022, when K.C.'s older sister, P.C., surreptitiously observed a sex video on K.C.'s cellular telephone in which K.C. is observed performing oral sex upon a male person.

[5] P.C. confronted K.C. about the video. K.C. became distraught over the disclosure. P.C. recognized the male voice in the video to be the voice of G.N.

[6] On July 14, 2022, P.C. called the police in a 911 call. As a result of that call a police investigation was launched resulting in charges being laid on December 10, 2024.

[7] K.C.'s father is the brother of G.N.'s mother. Family members from both families have testified at this trial.

[8] A deep rupture has developed between both families that likely will not be healed, no matter what the result in this trial.

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II. ISSUES

[9] The Crown alleges there were three instances in which G.N. sexually assaulted K.C.

[10] It is alleged G.N. induced K.C. to meet with him or he would disclose to her father a video he took of her having a shower in Sri Lanka in early December of 2017, when their respective families had gathered to honour the death of a family member.

[11] It is also alleged that prior to one of the encounters G.N. threatened to rape K.C.'s sisters if she did not meet up with him.

[12] G.N. denies the allegations. He asserts the allegations were a creation developed by his uncle's side of the family as retribution for his failure to marry either K.C. or P.C.

[13] Significant issues turn on both the credibility and the reliability of the evidence in this case.

[14] It must be determined, on the totality of the evidence, whether the Crown has met the high standard of proof beyond a reasonable doubt that G.N. committed any of the indexed offences.

III. PROCEDURAL HISTORY

[15] Five *voir dires* were conducted in this case.

(i) *Voir Dire* 1

[16] G.N. was born and raised in Sri Lanka before immigrating to Canada. His first language is Tamil. He was arrested in relation to the indexed offences on August 13, 2023.

[17] At the time of his arrest the police were aware G.N.'s first language was Tamil.

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[18] After his arrest, he was interviewed by Detective Constable Kevin Regie Gnanaseelan (“Detective Regie”). Detective Regie speaks both Tamil and English.

[19] G.N. submitted that his language comprehension deficiencies were, or should have been, readily apparent to the police and those comprehension deficiencies led to a violation of his constitutional rights under s. 10(a) and (b) of the *Constitution Act*, 1982, Schedule B to the *Canada Act* 1982 (UK), 1982, c. 11 (the “*Charter*”).

[20] He asserted special circumstances were established which obliged the police to take further necessary steps to ensure he understood his s. 10 *Charter* rights.

[21] In a reserved decision pronounced on February 5, 2026, the Court ruled there was no violation, and G.N.’s statement to Detective Regie was voluntary and admissible into the trial.

(ii) *Voir Dire* 2

[22] The Crown sought to qualify Anna Pragashpathy as an expert in interpreting the Tamil language to the English language in relation to a statement G.N. gave to Detective Regie following his arrest for the indexed offences.

[23] In a reserved decision pronounced on January 28, 2026, the Court ruled Anna Pragashpathy had the necessary special skill, knowledge, and experience, in her translation of the Tamil language to the English language.

(iii) *Voir Dire* 3

[24] During P.C.’s testimony, an issue arose over the admissibility of her evidence in relation to recognizing the voice of G.N. from the sex video.

[25] In a summary ruling pronounced on February 4, 2026, the Court found the evidence of the voice recognition went to weight and not admissibility.

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(iv) *Voir Dire* 4

[26] During P.C.'s testimony it became apparent various text messages and images that she provided to the police, containing communications between her and G.N. relating to K.C., were not a complete chain of messages and images.

[27] Following an adjournment, the additional text messages and images were downloaded and introduced as an Exhibit for Identification on the trial continuation date.

[28] G.N. brought an application seeking a declaration for a mistrial or, in the alternative, a Judicial Stay of Proceedings ("SOP") pursuant to s. 7 of the *Charter*, submitting the late disclosure of the additional text messages and images fundamentally undermined the fairness and integrity of the trial.

[29] In a reserved decision pronounced on March 20, 2026, the Court ruled the late disclosure did not fundamentally undermine the fairness and integrity of the trial and dismissed both the application for a declaration of a mistrial and the application for a Judicial SOP.

(v) *Voir Dire* 5

[30] As the trial progressed, it was brought to the attention of the Court by a Clerk of the Court, that the Record of Proceedings did not have any notation that G.N. had formally elected his mode of trial as required by s. 536(2) of the *Code*.

[31] In a reserved decision pronounced on April 15, 2026, the Court ruled G.N., through the actions of his counsel, established a formal waiver of s. 536(2) of the *Code* and the case would proceed as a trial.

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IV. DETAILED BACKGROUND

(i) *The Complainant*

[32] In her direct examination, K.C. testified she is currently 20 years old. She was born in August 2005. She was 12 years old in December 2017. She was enrolled in grade seven at a local elementary school.

[33] She testified she is fluent in the Tamil language and the English language.

[34] In late 2017 and early 2018, G.N. was living with his family in an apartment building located on Kamloops Street in Vancouver.

[35] K.C. was living with her family a few blocks away from G.N.'s apartment building.

[36] She testified her family and G.N.'s family went to Sri Lanka in November 2017, to participate in a death ceremony to honour a family member who had recently passed away.

[37] The two families had separate accommodations with other family members. There was a separate bathing area associated to the properties. K.C. described this location as a brick or cement enclosure with a curtain covering the entry into the enclosure. The enclosure was approximately six feet in height.

[38] Within the bathing area was a water tank or well that she would use to pour water onto herself. K.C. recalled wearing a garment when bathing that covered her chest down to her knees. She described the garment becoming "see-through" when it was wet.

[39] She recalled the two families returned to Vancouver in late December 2017.

[40] K.C. identified a series of text messages and images exchanged between G.N. and the her sister, P.C. The text messages and images were saved on P.C.'s phone and disclosed to K.C. by P.C. in July 2022, after she disclosed the sexual assault allegations perpetrated by G.N.

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[41] Following the disclosure, the police were contacted, and K.C. and P.C. provided statements to the police.

[42] K.C. testified she was sexually assaulted by G.N. on three occasions.

Incident 1

[43] In January 2018, K.C. received a call from G.N. in the morning asking her to come over as he had something he wanted to show her and to give her something. He also told her his mother and sister would be at home.

[44] She decided to drop by on her way to school. She recalled it was icy out and "hard to get there."

[45] Once she got to G.N.'s apartment building, she entered the building and went to G.N.'s apartment door. At that moment, G.N. opened the door telling her to walk in front of him as he had something to show her.

[46] When they got to the door into his bedroom, he pushed her into the bedroom and she sat on the bed. G.N. was holding his phone in his hand. He then placed a cabinet, approximately two drawers in height, blocking the door into the bedroom.

[47] G.N. then sat next to K.C. on the bed and showed her a video on his phone of her showering during their trip to Sri Lanka. The video was approximately two to three minutes long. Her whole body was framed in the video.

[48] While she was viewing the video G.N. was telling her "how bad this looks and how bad this video is." K.C. responded:

> "I don't know why I'm here." And is it -- "Is this what you wanted to show me?" And "Why are you showing me this?"
>
> Transcript, January 29, 2026, p. 13, ll. 32-35.

[49] G.N. then closed the blinds or curtains, telling K.C. to lay down on the bed. She testified there was "one thing" that she could remember from this incident, which was

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G.N. telling her, “You know that this is legal. You know, this is okay. This is legal”: *ibid.* at ll. 40-43.

[50] K.C. described G.N.’s voice becoming louder and she was scared. He then grabbed a pillow and covered her face. She described being unable to breathe and she was “seeing stars.”

[51] She described not knowing what was happening and suddenly felt his fingers wriggling inside her. After that, she was unable to remember what happened, or how this activity stopped. She recalled seeing blood.

[52] She believed someone came home because G.N. had opened the blinds. He grabbed K.C. and either dragged or carried her into the closet where she sat in the dark. She was told to not make any noise.

[53] It was her belief that G.N.’s sister, S.A.N., had come home for lunch, though she never saw anyone other than G.N. during the course of this incident.

[54] G.N. returned to the bedroom and told K.C. to put on her clothes and leave. He continued to tell K.C. that he had the video, that she was in the video, and it would bring shame to her family.

[55] K.C. left G.N.’s apartment building and walked home. She then went to school and went to the bathroom to clean up the blood.

[56] In the following exchange K.C. was asked whether G.N. put anything else other than his fingers into her vagina:

> Q. Do you know whether [G.N.] put anything besides his fingers into your vagina?
>
> A. Just because I blacked out – I felt his fingers, and I did feel his penis on my vagina. I did feel an erection that was there. But since that pillow was on my face, I don’t know what I was feeling. And going back to school, I was bleeding, and it wasn’t just that day that I started bleeding. So, I believe, yes, he did, or he tried to. He tried to. I just don’t remember.
>
> *Ibid.* at p. 15, ll. 45-47 and p. 16, ll. 1-7

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[57] K.C. was afraid to tell her parents about this incident, explaining she felt ashamed and she was afraid they would not believe her and she was afraid of what they would say, so she kept it to herself.

Incident 2

[58] Approximately two weeks after the first incident K.C. was either at school, or going to school, though she could not clearly remember, when she received a text message from G.N. asking her to come over.

[59] She recalled there was a time prior to the second incident, though she could not recall when, G.N. instructed her not to block him on Snapchat or he would send the shower video to her father.

[60] That text was followed up by a further text telling K.C. he had sent the video to her father. K.C. surreptitiously looked at her father's phone and saw the video was on his phone.

[61] She described this discovery to be "the worst thing ever" and either texted or spoke to G.N. asking him to delete the video and telling him she would come over.

[62] K.C. recalled walking to G.N.'s apartment building. G.N. was waiting for her in the lobby of the apartment building. Once she was in the apartment building he told her there were family members at home and that they would instead go down to the parkade.

[63] They took an elevator to the parkade. K.C. did not think anything untoward would happen as there were many cars parked in the parkade.

[64] G.N. directed K.C. into a parked car. He asked her to get into the backseat of the car. He got into the back seat beside her. He then removed his pants and forced her to perform oral sex on him.

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[65] After the sexual activity, G.N. pulled up his pants and told K.C. he would drop her off at school. He also told her to lie down in the car as he did not want anyone to see them together.

[66] He drove K.C. to the side of her school. As she was leaving the car he told her that she needed to listen to him. What she had done with him, in his words, was not bad.

[67] At some point after the second incident, K.C. told her friend, G.A.N., that her cousin did “something bad” to her. She did not reveal any explicit details to G.A.N. about what G.N. did to her as she found any such discussion to be upsetting.

[68] K.C. also testified she spoke to a counsellor about what happened. The counsellor suggested she should report what happened to a female police officer.

[69] She did not follow up on that advice because she was “scared” to disclose what happened, and she was not ready to tell the truth because she was unsure how everything would work out should she make the disclosure.

Incident 3

[70] K.C. testified there was a third incident of sexual assault perpetrated by G.N. after his family moved from the Kamloops apartment to a residence on 4th Avenue.

[71] She recalled she was at school when she got either a text or phone call from G.N. to come to the 4th Avenue residence because he still had the video and, he further added, if she did not come, he would rape one of her sisters.

[72] K.C. testified, once she heard those words, she wanted to make sure that would never happen, so she decided to go.

[73] G.N. had given his address to K.C. and, with the use of Google Maps, she took a bus to a location close to G.N.’s residence. She then walked to the residence and met G.N. behind his residence.

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[74] G.N. led her into the garage where the same car involved in the second incident was parked. Like the second incident, G.N. directed her into the back seat of the car. He then got in beside her.

[75] G.N. then told her it was too cramped in the backseat, and she was directed out of the car and onto a black couch or sofa alongside a wall. K.C. was directed onto her knees. She had removed her shirt but not her bra. G.N. removed his pants and directed her to perform oral sex on him.

[76] Shortly after the oral sex commenced, G.N. stopped K.C. and grabbed her cell phone. He directed her to turn on her Snapchat and flash application. He then began to video K.C. performing oral sex.

[77] When the sexual activity ceased, they both got dressed. G.N. asked K.C. to send him the video of what had taken place as soon as she got home, stressing if she did not do so he would create an account and post the shower video from Sri Lanka.

[78] K.C. testified she was less concerned about the blackmailing relating to the shower video but was more focused on the sex video G.N. recorded in the garage.

[79] It was her belief G.N. wanted her to send him the video for his personal viewing pleasure.

[80] K.C. walked away and waved goodbye to G.N. She walked to a nearby park to consider what had just taken place. She recalled thinking to herself that she was never going to go back. So long as she did not tell anyone about what was taking place with G.N. she would keep the experiences “deep” in her soul and eventually the experiences would “go away.”

[81] K.C. found the view from the park to be soothing and took a photograph of the park. She identified the photograph, noting the date stamp and timestamp of “January 15, 2019, 10:52 AM”: Exh. 5.

[82] She testified she viewed the sex video a total of three times. First, when she sent the video to G.N. after he repeatedly texted her to send him the video.

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[83] She watched it a second time in the school library when she was feeling emotional because she was on her menstrual period and “sad” over what had taken place between her and G.N. She found the audio disturbing so she muted the sound.

[84] Several months later she watched the video for a third time.

[85] She estimated the video was four to five minutes in length.

[86] Later, when she was playing basketball with P.C. at her former elementary school, P.C. told her she had surreptitiously found the hidden video on the K.C’s cell phone.

[87] K.C. panicked when she heard this information but did not disclose to P.C. the male person was in fact G.N. She went back to her residence. She was experiencing feelings of both guilt and shame. Once she got home, she deleted the video.

[88] K.C. testified her aunt, S.R., picked her up from her job at Playland one day and told her the families of her father and his sister were going to get together to celebrate the coming-of-age of a cousin. She started panicking and told her aunt she did not want to see them.

[89] Her aunt pulled the car to the side of the road and asked her why she did not want to see them. K.C. was unable to explain why she did not want to see them.

[90] On July 14, 2022, K.C. heard the doorbell ringing accompanied by multiple door knocks and saw G.N’s mother, S.A.N., and younger brother on the camera system. She felt scared and did not open the door. Eventually they left.

[91] Later that day, K.C. disclosed to S.R. in a text message that G.N. did something to her that she was unable to forget. She then called S.R. for advice. S.R. advised her she would have to tell her parents about the disclosure.

[92] K.C.’s parents were told of the disclosure. Her father then contacted G.N.’s mother. G.N.’s mother and his father, S.N., came over. K.C.’s father confronted them concerning the allegations.

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[93] K.C.’s father then asked P.C. to call 911. The police investigation commenced.

[94] On July 15, 2022, K.C. was interviewed by the police. The interview was transcribed and totalled 47 pages.

[95] K.C. denied being pressured to report what happened between her and G.N. to the police.

[96] She denied there was any family animosity between her family and G.N.’s family prior to July 14, 2022.

[97] She testified she sustained, and continues to sustain, significant emotional impacts from the sexual assaults. When she is menstruating, she feels disgusting as she recalls bleeding after the first incident with G.N.

[98] K.C. was extensively cross-examined. The impact of the cross examination on her credibility, and ultimate reliability, as a witness will be discussed in the analysis of the evidence and the subsequent findings in this judgment.

(ii) *The Complainant’s Sister, P.C.*

[99] In her direct examination, K.C.’s older sister, P.C., testified she was born in 2003. She is two years older than K.C.

[100] She described having a regular cousin relationship with G.N. and his family prior to the trip to Sri Lanka in late 2017. After the trip to Sri Lanka the two families would get together weekly.

[101] At a point in 2018, the social contacts with the two families began to “fizzle out” for reasons unknown to P.C.

[102] She described having frequent conversations and on-line chats on Snapchat with G.N. after the trip to Sri Lanka.

[103] She confirmed exchanging a series of Snapchat text messages, including images and emojis, with G.N. on January 27, 2018. After the sexual assault allegations became

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known, P.C. downloaded the text conversations and images specifically relating to G.N. and K.C.

[104] She gave the downloaded text conversations and images to the police.

[105] She confirmed the authenticity of the text conversations and images she downloaded on January 27, 2018: Exh. 3.

[106] She agreed some of the text messages were in both the English and Tamil language. She agreed with the accuracy of the Tamil conversations that were translated into the English language: Exh. 1.

[107] She agreed some of the text messages sent to her by G.N. contained direct references by him expressing, in her opinion, a romantic interest in K.C.

[108] In response, P.C. expressed to G.N. her concerns about his intentions in both text messages and with the use of emojis.

[109] She reminded G.N. that K.C. was five years younger than him. G.N. responded with a text message: “Don’t say anything to [K.C.] It doesn’t matter. If it is okay to her then it will be okay. Only five years, sister”: Transcript, February 4, 2026, p. 12, ll. 4-16.

[110] As the conversation continued, P.C. told G.N. that K.C. considered him only like a “big brother.” In response, G.N. asked P.C. if she would help to make K.C. love him. P.C. replied, “No way.”

[111] P.C. testified that she previously learned G.N. had a girlfriend named K.T. She texted G.N. reminding him that K.T. was there for him. He replied that he did not love K.T., he loved K.C.

[112] P.C. testified she saw the sex video of K.C. performing oral sex on G.N. in the summer of 2019. She found K.C.’s cell phone and went into her Snapchat account which included a folder entitled “My Eyes Only.”

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[113] She scrolled through the folder and saw a video of K.C. wearing a bra while kneeling on the ground performing oral sex on a male's genitals. She was startled about what she saw. She reviewed the video, including listening to the audio, several times that day.

[114] From the colour of his skin and that the mumbling of his voice P.C. identified the male as G.N.

[115] She made a copy of the video through her phone. However, when she asked K.C. about the sex video several days later, K.C. told her to delete the video, or she would kill herself. P.C. deleted the video.

[116] The disclosure of the sex video took place when they were playing basketball. P.C. told K.C. she saw what took place and she recognized G.N.'s voice. She told K.C. she was going to tell their father. K.C. begged her not to tell him as it was her "story" and she would have to be the one to tell her father what happened.

[117] P.C. testified that several days after the coming-of-age ceremony, G.N.'s mother, his sister, S.A.N., and his younger brother came to her house. They began knocking on the door. P.C. went upstairs and told K.C. they were knocking on the door. K.C. became alarmed and began crying and stating words to the effect, "Why are they here?"

[118] Eventually the knocking stopped. Shortly after that their mother returned home. P.C. and K.C. went for a walk to a local park. At the park they called S.R. and disclosed the sex assault allegations committed by G.N.

[119] S.R. advised them to disclose the allegations to their parents. K.C. was upset and did not want to inform her parents of what G.N. had done to her.

[120] However, when P.C. and K.C. returned home, their mother was crying, so P.C. suspected S.R. had made the disclosure of the sexual assault allegations.

[121] P.C.'s father then came home. Upon the disclosure of the sexual assault allegations he telephoned his sister and S.N. They came over and a verbal confrontation took place.

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[122] P.C.'s father told her to call the police while G.N.'s parents were pleading with them not to call the police as they could "fix this." One of G.N.'s parents tried to grab the phone from P.C., so she took the phone upstairs to her room to continue her call to the police.

[123] P.C. was extensively cross-examined. The impact of the cross examination on her credibility, and ultimate reliability, as a witness will be discussed in the analysis of the evidence and the subsequent findings in this judgment.

(iii) *The Complainant's Aunt, S.R.*

[124] S.R. testified K.C. is her sister's daughter. She described enjoying a close relationship to K.C.

[125] She testified that culturally in Sri Lanka, a cousin could marry a cousin with some limitations: Transcript, February 3, 2026, p. 58, ll. 10-20.

[126] She recalled an interaction with K.C. in July 2022, after she picked her up from the P.N.E. to take her home. K.C. became upset and began crying and expressing concern over who would be coming to S.R's daughter's coming-of-age celebration.

[127] K.C. told S.R. she did not want G.N.'s family to come to the celebration. S.R. asked her if someone in that family had said anything bad to her. K.C. answered that she did not want to talk about it because if she did so, the celebration would not go well.

[128] After the coming-of-age celebration, S.R. received a text message from K.C. followed by a telephone call. During the telephone call K.C. began crying and disclosed that G.N. had made a video of her taking a bath in Sri Lanka and also that he had sexually assaulted her.

[129] S.R. telephoned K.C.'s mother and told her what K.C. had disclosed. S.R. then went over to K.C.'s residence. K.C.'s father and mother were at the residence. K.C. was present and was crying. She heard K.C. make the sexual assault disclosure to her parents.

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[130] She recalled a telephone call was made to G.N.'s parents, following which they came over.

[131] In cross-examination S.R. testified she had no knowledge of G.N.'s father's history of alcohol consumption.

[132] She agreed that in Sri Lanka women will wear a garment to strategically cover their body when they are bathing. However, depending on the fabric, the garment can become see-through when wet.

[133] She testified there have been occasions when she was bathing, she wore a garment that when it got wet, she could see through the garment and see her breasts.

[134] She agreed K.C. told her she was naked in the shower video taken of her in Sri Lanka.

[135] S.R. could not recall details of the conversations that took place at her sister's residence between G.N.'s parents and K.C.'s parents, prior to the police being called.

[136] In particular, she could not recall anything to suggest that K.C. may have told her father she had not made the disclosure concerning the sex assault allegations earlier because she was "scared he would hit her."

(iv) *The Complainant's Friend, G.A.N.*

[137] G.A.N. met K.C. in elementary school. They were neighbours and would walk to school together. They became very close friends.

[138] She recalled an occasion when the two of them were in the seventh grade and were hanging out together after school when K.C. became very emotional and began crying.

[139] G.A.N. comforted her friend and asked her what happened. K.C. told her she had gone to G.N.'s house. She ended up in his room where he locked or covered the

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bedroom door and pushed her onto the bed and “then it just happened quickly”: Transcript, February 4, 2026, p. 4, ll. 25-37.

[140] K.C. did not elaborate on what happened on the bed with G.N., though G.A.N. had the impression from the conversation that sexual activity took place.

[141] G.A.N. also recalled seeing cigarette burns on K.C., on either an arm or an ankle, when they were in the seventh grade. She recalled they were doing arts and crafts, and they were sitting together on the ground when she noticed the circular burn marks.

[142] G.A.N. asked her how she got the burns. K.C. told her it was “like her cousin,” though she was “pretty vague.” G.A.N. did not explore it any further.

[143] G.A.N. recalled the time when she was in the eighth or ninth grade that K.C. and her sister P.C. were “bickering” over a video that P.C. had found on K.C.’s phone.

[144] G.A.N. recalled an occasion when they were walking to high school, K.C. told her she didn’t like walking to school alone and pointed out the building next to the school, stating: “’This is like where something happened,’ like in regards to what happened with her cousin.”: *ibid.*, at p. 7, ll. 29-30.

[145] G.A.N. identified the building from a 2026 Google Street View image: Exh. 18.

[146] In cross-examination she conceded there were some details of her interactions with K.C. she was not certain about, but maintained she was certain about the disclosure details concerning what K.C. told her about what happened to her when she ended up on the bed in G.N.’s room.

[147] In relation to the burn marks she observed on K.C., she could not recall if there was one or more than one burn mark.

[148] She identified the “pink building” located next to her high school as the building identified by K.C. that she did not like to pass by: Exh. 11.

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[149] She confirmed she spoke to Detective Fraser in relation to a police investigation respecting sexual assault allegations disclosed by K.C.

[150] From a transcript of that interview G.A.N. agreed she told detective Fraser, in part: “I think she, like, told me that it was her cousin”: *ibid*., at p. 15, ll. 22-36.

(v) *The Accused*

[151] In his direct examination, G.N. testified he is now twenty-seven years old and lives in Toronto with his spouse, K.T.

[152] He was born in Sri Lanka and came to Canada in 2016. He became a Canadian citizen in 2024.

[153] He denied being involved in any of the allegations before this Court.

[154] He also denied making a video of K.C. when she was bathing in Sri Lanka; he denied making a video of K.C. performing oral sex on him; and, he denied he ever fell in love with K.C.

[155] It was his recollection his family moved to the Kamloops Street apartment in 2017. For a brief period, and before the trip to Sri Lanka, they had to move out due to a water leak in the apartment building.

[156] He testified a person would need either a key to get in the front door of the Kamloops Street apartment building or be “buzzed” into the building. However, his apartment was not connected to the buzzer system, so a key was necessary to enter through the front door or a visitor would have to make a call to have someone come to the front door to gain entry.

[157] It struck him as odd as to how K.C. claimed to get into the building as she did not have a key nor did she call him to enter the building.

[158] Upon entering his apartment, a person would travel past both the kitchen, a bathroom, and his parents’ bedroom to get to his bedroom.

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[159] Within his bedroom there was a bed and a small table. There was a built-in closet that contained suitcases, his personal clothes, and his younger brother's clothes. There was no extra space to put K.C. into the closet unless the suitcases and some of the clothing was moved out.

[160] His father owned a white Kia automobile. On weekends, his father would drive the Kia, while on weekdays he took public transit to and from work. The Kia would ordinarily be parked at the roadside outside of the apartment building.

[161] To get to the underground parkade and/or the garbage and recycling area one would have to take an elevator to that level. A key was necessary to activate the elevator.

[162] A separate key was required to access the garbage and recycling room.

[163] G.N. had a key for the front door of the apartment building and a key for the door into the apartment.

[164] His father kept the keys for the Kia, the elevator, and the garbage and recycling area on a keychain that he took with him when he went to work.

[165] G.N. denied ever driving the Kia until he was licenced on March 6, 2018: Exh. 28 – ICBC Driving Licence Record. Even after becoming licenced his father was not in the habit of giving him the car keys.

[166] Though enrolled at Vancouver Technical High School in Grade 10, his attendance history was poor, and he eventually dropped out of school in the summer of 2018.

[167] When he was attending high school, he also had some part-time work two nights per week at a local McDonald's restaurant. After he dropped out of school, he secured full-time employment at a warehouse for approximately four months before he was injured in a worksite accident. He had to leave that employment.

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[168] His sister, S.A.N., attended the same high school as him in 2018. His younger brother was attending elementary school. On occasion he would walk his brother to school in the morning.

[169] He testified his father left for work around 6:00 a.m. on weekdays and returned home at night.

[170] His mother was also working on weekdays from 4:00 p.m. or 5:00 p.m. until midnight or 1:00 a.m. She used public transit to get to and from her employment.

[171] During the day he would routinely see his mother in the morning. She would make him tea in the morning. She occasionally cooked and did other household chores.

[172] He testified his mother suffered from some mental health issues following the death of her father. As a result of the mental health issues his mother never ran any errands on her own, and if she did go outside, it was always in the company of himself or his sister: Transcript, March 17, 2026, p. 76, ll. 1-15

[173] In September 2018, G.N.'s family moved to a duplex on 4th Avenue, in Vancouver. He secured full-time employment at McDonald's.

[174] Most of the furniture from the Kamloops address was moved to the 4th Avenue address. A couch and/or sofa was not purchased until a few years after they took possession of the 4th Avenue property.

[175] There was a garage built into the duplex. The garage had a garage door that was opened and closed electronically. The Kia was either parked in the driveway adjacent to the garage or at the curb in front of the duplex.

[176] He testified his father used the garage space for storage purposes and as a place for him to sit and drink alcohol. He described his father as having a drinking problem that resulted in angry confrontations with the family, so his father was asked to stay away from the family if he was going to be drinking.

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[177] There was one occasion when they were living at the Kamloops apartment when his father had been drinking and he got upset and struck G.N. After that altercation, G.N. attempted suicide: *ibid.*, p. 71, ll. 16-45

[178] From the time they moved into the 4th Avenue duplex until the end of January 2019, G.N. testified that none of the family, except for his father, were allowed into the garage: *ibid.*, p. 69, ll. 4-9.

[179] G.N. testified that there was a door leading from the living area of the duplex into the garage. His father always left this door locked and he had the only key for the door.

[180] From the time he moved into the duplex until into 2026, G.N. had only been in the garage five times. The first time he went in with his father was to collect his cricket gear.

[181] He described the garage interior as containing shelving with suitcases; his father's drinks on the left side, old shoes and boxes were on the right side.

[182] G.N. began a relationship with K.T. in 2017. He initially did not tell his father or his uncle about this relationship. He explained, in his culture it is frowned upon to fall in love with someone. He believed if he was to tell his father or his uncle about this relationship they might "scream" or "beat" him and possibly "kick [him] out of the house": Transcript, April 14, 2026, p. 6, ll. 9-40.

[183] K.T. came to visit for one week in April 2019. She stayed with G.N. and his family. His father was told K.T. was a friend of G.N.'s sister, S.A.N.

[184] G.N. recalled having an exchange of text messages with P.C. about K.T. during the trip to Sri Lanka. At one point P.C. texted G.N. asking if he was "in love" with K.T. He responded by avoiding the question because he was concerned she might tell her parents.

[185] He believes K.C. also became aware of his relationship with K.T. during the trip to Sri Lanka.

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[186] Both prior to and following the trip to Sri Lanka, his family and K.C's family would socialize and attend functions together on a regular basis until May 2019, when the family relationship changed. In the following exchange G.N. explained what happened:

> Q. And tell us what it is that happened in May of 2019.
>
> A. So, that is the time when my girlfriend came home and my uncle found out about that. He called me and he said, 'Is this the reason that you came from Sri Lanka? I did not expect that you're going to do something like this, fall in love with this person.' And he said, 'I treated you like a friend, but you are not truthful to me.' He said to me, 'Go and ask your dad that promise that he made to me.' And I asked him, 'What promise are you talking about?' He said, 'Your dad promised that he would give one of his daughters in marriage to me.' And he said, 'Did you not know about that?' I said to him, 'I just found out from you.' He said, 'You're still a young person.' And he said, 'I want you to send her away.' I said, 'No, I like her, and I can't do that.' And he said, 'With this, the connection we had with you is coming to an end.' And he said, 'I don't want you calling me anymore. I don't want you to be talking to my kids anymore. I will tell the same thing to my kids.' And then he called my parents and he was screaming on the phone, fighting with them on the phone --
>
> Transcript, April 14, 2026, p. 10, ll. 39 – 47 and p. 11, ll. 1-16.

[187] From that point onward the two families did not socialize or attend functions together.

[188] Shortly after the Sri Lanka trip he had Snapchat text conversations with P.C. He participated in these conversations in a "deep way" because he thought she might be interested in him. It was in his mind if he demonstrated interest in K.C., then P.C. would become jealous and start to like him: *ibid.* at p. 21, ll. 6-17.

[189] He acknowledged he sent P.C. a screenshot of himself with K.C. from his phone. In the following exchange he explained his rationale:

> Q. Just explain how that picture came to be, and explain – let's just start there. How did that picture come to exist?
>
> A. It's a picture that we took when we were in Sri Lanka. I put it as wallpaper. I took a picture of that, sent it to her, and then I deleted it.

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Q. Why did you send that picture to [P.C.]?

A. To make her jealous.

Ibid. at p. 22, ll. 24-31.

[190] He agreed he was not “100 percent truthful” when he spoke to the police. He recalled, when he was confronted with the series of text chats and images downloaded from P.C.’s phone he did not admit having a “crush on anyone”, and when he saw the screenshot of K.C. that he sent to P.C., he did not explain why he had that photo saved on his phone because he was hesitant to talk to the police about his relationship with P.C. and he was “concerned” with how they would look at him: *ibid*. at p. 23, ll. 29-35.

[191] He tried to “hide” this line of conversation. He explained, “I was worried that, if I were to talk about this, then they will think I’m the one who did it”: *ibid.* at p. 24, ll. 1-3.

[192] Except for those omissions in his discussions with the police, he otherwise described the “rest of it” to be truthful.

[193] G.N. was extensively cross-examined. The impact of the cross-examination on his credibility, and ultimate reliability, as a witness will be discussed in the analysis of the evidence and the subsequent findings in this judgment.

(vi) *The Accused’s Cousin, S.A.C.*

[194] S.A.C. is a cousin of G.N. and a cousin to P.C. and K.C. He was in Sri Lanka in November and December 2017, for a vacation and for the funeral ceremony following the death of G.N.’s grandfather.

[195] S.A.C. was staying with a relative near the location where G.N.’s family and K.C.’s family were staying.

[196] He described the bathing area as a concrete structure with three walls, four to five metres in height, along with an opening for people to enter or exit the bathing area. The opening was not obstructed by a door or any fabric.

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[197] It was his experience people in Sri Lanka using this type of bathing enclosure would wear clothing to cover their upper and lower body.

[198] From a video played by G.N., S.A.C. identified a bathing area with three concrete walls and an opening into the area containing bathing and showering equipment.

[199] After viewing the video, he estimated the height of the walls to be approximately three metres.

[200] He testified that P.C. was a contact on his Snapchat account. He could not recall if she was added to his account while he was in Sri Lanka or after he left Sri Lanka.

[201] He identified a Snapchat screenshot with a neutral photograph of an individual along with the first name of the individual: Exh. 33.

[202] He testified the profile was that of his cousin, P.C.

[203] In cross-examination he testified he was not prompted by anyone on the defence side of the case as to what he should say. Rather, he said he was told to tell the truth.

[204] He agreed he had nothing to establish that Exh. 33 was, in fact, the Snapchat account attributable to P.C. when he was in Sri Lanka in 2017.

(vii) *The Accused's Father, S.N.*

[205] S.N. testified in direct examination that he was born in Sri Lanka before he came to Canada in 2016. He was followed shortly thereafter by his wife and their three children.

[206] The family first moved in together at the Kamloops Street property and eventually moved into the duplex property on 4th Avenue

[207] He first learned of the allegations involving G.N. when K.C.'s father telephoned in the spring of 2022 and asked him and his wife to come over. When they got to K.C.'s residence, her father, mother, S.R., K.C., and P.C. were present. A discussion took place concerning the allegations.

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[208] In January through March 2018, he was working two jobs. Monday to Friday he was working from 8:00 a.m. to 4:00 p.m. at [omitted for publication]. On Thursday through Saturday, he worked from 4:30 p.m. to 11:30 p.m. at a restaurant in Vancouver.

[209] He took public transit to and from his employment.

[210] In January through March 2018, his wife was working weekdays at a bakery from 3:30 p.m. to midnight. She also took public transit to and from her employment.

[211] He testified he was the owner of a white Kia automobile. As he took public transit to and from his employment, the Kia was ordinarily parked at the roadside outside of the apartment building or, on occasion, parked in the parkade underneath the apartment building.

[212] To get to the parkade and the adjacent garbage and recycling room, a key was required to activate the elevator. There was only one key for the elevator and S.N. kept that key in his possession.

[213] To enter the front door of the apartment building a key was required. There were four keys for the front door; one for himself, one for his wife, one for G.N., and one for K.C.'s father.

[214] There were two remotes with keys to operate the Kia. S.N. kept one of the remotes with a key on his person and the other was put into a locked grab bag with important personal documents, if needed, in the event of an emergency.

[215] There was only one key for the grab bag and that was kept by S.N. He kept that key in a separate bag along with the elevator key, the second Kia key with the remote, a work key, and a key for the front door of the apartment building.

[216] If a family member had to take anything to the garbage and recycling room they would have to wait until S.N. got home. He explained his family were "new in Canada" and he was concerned they would not know how to separate the organics and plastics from the garbage, so that was one of his chores: Transcript, April 24, 2026, p. 36, ll. 15-20.

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[217] He testified that in January, February, and March of 2018, G.N. did not drive the Kia. He only began to drive the Kia after he got his driver's licence, and even then, only on Saturdays and Sundays to play cricket.

[218] It was also in January, February, and March 2018, his wife remained at home during weekdays where she performed cooking and cleaning duties. His daughter, S.A.N., slept on a couch in the living room: *ibid.* at p. 37, ll. 23-31.

[219] His wife did not leave the house on weekdays to go shopping or to go to any medical appointments. He did all the shopping and drove his wife to any required medical appointments. He explained: "Because I do all the purchasing … she is new, and so she doesn't know a lot, so that is why she doesn't go out": *ibid.* at p. 38, ll. 2-8.

[220] He described the restrictions on his wife's freedom of movement as a cultural reaction. He explained: "So, in my culture, the wife - - after she gets married, the wife will always ask the husband if she has to go somewhere. She'll ask, you know, 'can I go to this place or that place,' and if I say 'No' then she wouldn't go": *ibid.* at ll. 19-26.

[221] S.N. recalled moving to the 4th Avenue duplex in September 2018. There was an enclosed garage attached to the duplex. To access the garage there were two points of entry. First, using the remote to open the garage door. Second, using a key to open the lock on the interior side door leading into the residence from the garage.

[222] There was only one remote for the garage door and one key for the side door that S.N. kept in the grab bag he brought from the Kamloops apartment.

[223] No one was allowed into the garage. He used the garage to drink his beer with a friend on weekends, but mostly on Sundays.

[224] He testified the garage contained luggage, folding chairs, stacked chairs, boxes with shoes and clothing, other boxes, and shelving. Neither a couch nor a sofa was ever placed in the garage.

[225] He ordinarily parked the Kia either in the rear driveway or curbside in front of the duplex. He did not park the Kia inside the garage because it was a small garage, and if

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the Kia were parked in the garage, he would not be able to drink his beer in the garage: *ibid.* at p. 42, ll. 12-23.

[226] He first met K.T. in 2019, after he came home from work at the 4th Avenue duplex. He asked his wife about this person and was told she was G.N.'s girlfriend and they were in love.

[227] He was not happy about the circumstances as he wanted his son to marry P.C.

[228] He testified this caused friction between himself and K.C.'s father. There was a confrontation with K.C.'s father, who argued with S.N. and scolded G.N. During this confrontation S.N. told K.C.'s father that he did not like this situation, but his son was going to marry K.T., and he was not going to marry P.C.: *ibid.* at p. 49, ll. 29-43.

[229] In cross-examination S.N. testified he had a clear recollection of the events in 2018.

[230] However, he agreed he did not have a clear recollection of when the Kia was parked in the parkade or parked on the street at the Kamloops apartment building.

[231] He could not remember when G.N. received his driver's licence. He was aware G.N. had learned to drive with a learner's licence.

[232] In the following exchange, S.N. denied he had a bad temper, he denied that he beat G.N. so badly that his son attempted suicide, and he denied he had a drinking problem:

> Q. You have a bad temper, don't you, [S.N.]?
>
> A. No. I do not get angry.
>
> Q. You have a bad temper, especially when you're drinking?
>
> A. No. I do not get angry.
>
> Q. At all?
>
> A. I'm not the kind of person who gets mad. I'm a soft person. Why should I get mad?
>
> THE WITNESS [S.N.]: Yeah.

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Q. Well, in fact, you get quite mad when members of your family don't behave as you expect?

A. They never behave in a manner that would cause me to become mad.

Q. Do you remember a time when you beat [G.N.] so bad that he then tried to commit suicide?

A. No. I did not beat him badly, but it had to do something with the girlfriend, and then there was a suicide attempt. I don't know correctly.

Q. You hit him?

A. No.

Q. Your drinking problem is so bad your family said you can't drink in the house.

A. No.

Q. So, if someone came into this court and said that you had beat [G.N.], that would be a complete lie?

A. Correct.

Transcript, April 24, 2026, p. 61, ll. 6-32.

[233] When questioned about G.N.'s history of absences from school, S.N. did not have a clear recollection of the dates his son missed school or the year when he stopped attending school, though he thought it may have been at the end of grade 11.

[234] He recalled he purchased the Kamloops apartment in 2016, but could not recall the month.

[235] He received four keys for the front door to the building but only one key for the elevator. He did not consider it odd that he only received one key for the elevator, nor did he "try to make another copy."

[236] He explained he was too busy to get a second elevator key cut as he was working two jobs, he had a lot of bills to pay, he had a lot on his mind, so he didn't think about it, although he conceded it would have been easy to get a second key cut: *ibid.* at p. 65, ll. 13-38.

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[237] He confirmed that in 2018 his family had been living in Canada for two years. His wife was working full-time and was capable of taking public transit to and from her employment, yet, in the following exchange, S.N. explained why she was not capable of dealing with garbage, including recycling materials:

> Q. Okay. This woman can sort garbage?
>
> A. If you reason with her, if you teach her, yes, she can, but I did not try.
>
> Q. You tried to tell this court that the reason she didn't take out the garbage was that you didn't think she could separate organics and plastics?
>
> A. Yes.
>
> Q. Are you taking this seriously, [S.N]?
>
> A. Yes.
>
> Q. But you're going to sit here and say that your wife, who'd been in Canada for two years, maybe couldn't sort organics and plastics?
>
> A. She would learn if I were to teach her, but I did not make that effort.
>
> *Ibid*. p. 67, ll. 14-27.

[238] While confirming G.N. was eighteen years old in 2018, S.N. testified that G.N. also was not capable of dealing with recycling materials as he was playing cricket, was working two jobs, and if he were to make a mistake it would be S.N. who would receive a fine.

[239] When S.N. was pressed, he conceded G.N. was capable of sorting out recycling materials in the following exchange:

> Q. At 18, [G.N.] was capable of sorting organics and plastics?
>
> A. Yes.
>
> Q. And the fact is, he did take out the garbage sometimes, didn't he?
>
> A. No.
>
> Q. Never?
>
> A. Never.
>
> Q. Impossible.

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A. I don't know.

Ibid. p. 68, ll. 5-14.

[240] When it was suggested his answers to questions respecting the responsibility of taking out garbage and dealing with the recycling materials were “ridiculous” and were designed to support G.N.’s “story”, S.N. responded:

> I don’t know. I’m talking about me. I don’t know about him … What I’m saying is that I did not try, and I did not check.
>
> *Ibid*., p. 68, ll. 32-38.

[241] In relation to the 4th Avenue duplex, S.N. testified, to his knowledge, G.N., now twenty years old, never set foot in the garage. If G.N. needed to store anything in the garage he would take it to him and he would take it into the garage.

[242] S.N. denied there was sufficient room in the garage to park the Kia. However, when pressed on the point, he agreed that all he would have to do would be to move some of the items depicted in the interior photograph of the garage and the Kia would fit.

[243] The Court asked S.N. if there was a refrigerator in the garage for his beer. S.N. testified he kept his beer on a shelf or on a table.

(viii) *The Father’s Friend, V.S.*

[244] V.S. is a friend of S.N.’s

[245] In direct examination, he testified, in 2018 he would visit S.N. at the 4th Avenue duplex three times per month.

[246] When he got to the duplex he would enter the garage through the open car garage door and meet up with S.N. to drink beer together.

[247] He described observing assorted items in the garage, including a table, chairs, a ladder, a power washer, boxes, bags, luggage, and a barbecue.

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[248] He never observed seeing a couch or sofa in the garage. He never saw an automobile parked in the garage. Nor did he see any other individuals in the garage.

[249] In cross-examination, he conceded he could not recall any particular month or date he was in the garage in 2018.

[250] He testified S.N. asked him to be a witness in relation to the garage being used as a place to drink beer.

[251] He denied anyone told him the 4th Avenue duplex was purchased in 2018.

[252] He agreed he was never in the garage on a weekday. He had no knowledge whether G.N. was in the garage on January 15, 2019.

(ix) *The Accused's Sister, S.A.N.*

[253] S.A.N. testified in direct examination she is twenty-four years old. She was born and raised in Sri Lanka before coming to Canada in 2016. She is currently enrolled in a nursing program.

[254] She confirmed she has functioned as an interpreter for legal counsel and for her brother, G.N. She has translated documents disclosed in this case.

[255] She has also been provided with ongoing details of the case through legal counsel. She is quite aware of evidence that may help or hurt her brother.

[256] She first became aware K.T. was involved with her brother through her cousins, K.C. and P.C., when they were in Sri Lanka in 2017. They told her that her brother had a girlfriend and then they showed her a picture of K.T. through Instagram.

[257] From her experience living in Sri Lanka and when she returned in 2017, the bathing or shower area was a concrete structure that normally had an open entry into the area. In her experience, it was not common to have any cloth-like material covering the entry point into the area.

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[258] When she was living with her family at the Kamloops Street apartment building her father was holding down two jobs and left early in the mornings. Her mother was working as well and left for work around 4:00 p.m. on weekdays.

[259] In January and through parts of February 2018, she was being teased by some classmates at school. This caused her to feel “uncomfortable,” so she skipped many morning school classes. She was unable to recall which dates she skipped classes.

[260] She did not have a separate bedroom at the Kamloops apartment building. The living room was her living area. On days when she skipped school in the morning she would, on occasion, see her mother and G.N.

[261] During the day, her mother would do the cooking and cleaning. Her mother did not run any errands and would only be outside of the apartment if she were in the company of another family member. The only time she would go out alone was to go to and from her employment.

[262] She testified, in January through March 2018, her father would park the Kia automobile at the curbside for easy access.

[263] There was an underground parkade at the apartment building. Access to the parkade required a key to activate the elevator. S.N. had exclusive possession of the elevator key and the key for the Kia.

[264] Her father was responsible for the disposal of garbage and the recycling of materials at the Kamloops apartment building. He did not allow anyone else in the family to perform that chore on their own.

[265] She testified a key was required to access the garbage and recycling materials room. Her father kept possession of that key as well.

[266] She first met S.R. in 2016. There were frequent occasions when her family, K.C.’s family, and S.R. would get together for social functions.

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[267] After K.T. came to visit in 2019, the social functions with her family and K.C.'s family completely stopped. At some point after that she met her cousin P.C. at school and asked her why the families had stopped talking. P.C. told her that her father found out G.N. had a girlfriend: Transcript, April 28, 2026, p. 31, ll. 24-35.

[268] In cross-examination S.A.N. testified she had read both K.C.'s and P.C.'s statements, G.N.'s statement, and S.R's statement. She also reviewed some key documents, including K.C.'s school attendance records.

[269] She was told by G.N. that K.C., P.C., and S.R. had testified at the trial.

[270] She denied G.N. ever gave her any details concerning their testimony. She explained she did not have the time because she was busy with exams.

[271] She testified there were two pieces of evidence that could help G.N. First, there was nothing covering the entry into the bathing area in Sri Lanka and, second, the necessity of a key to activate the elevator.

[272] She agreed that she was aware of K.C.'s allegations since 2022. She agreed she also functioned as an interpreter at the time of G.N.'s arrest.

[273] After reading K.C.'s two statements she recalled she missed school on several mornings in January 2018. In the following exchange S.A.N. explained why this recollection was important:

> Q. Why does it matter that you missed school some mornings in January 2018?
>
> A. It's because, when I was reading [K.C.]'s statement, it said that she had been to our place in January. I tried very much to get my school attendance. When I inquired about it at the school, they said, 'Well, you have already graduated, and therefore you cannot have that information.' I have mentioned that to [legal counsel] as well.
>
> Q. Because if you were home, that means you would have seen [K.C.] if she was there?
>
> A. Yes, I would know.

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> Q. So, that helps your brother, if you can say, 'Some mornings, I was home'?
>
> A. Yes.
>
> Transcript, April 28, 2026, p. 41, ll. 31-46.

[274] S.A.N. agreed that at times, when G.N. was speaking with legal counsel and she was interpreting the conversation because she had read all of the witness statements, she did not just interpret, but contributed to the discussion: *ibid.* at p. 42, ll. 11-29.

[275] She admitted she has put many hours into this case because she believes G.N. is innocent. She agreed as this trial got underway that there is nothing more important, including her nursing exams, than this case.

[276] Notwithstanding her earlier testimony that G.N. did not tell her any details about K.C.'s or P.C.'s testimony, she admitted he told her K.C. was crying during her testimony and that K.C. told the Court he had "raped her.": *ibid.* at p. 43, ll. 45-47 and p. 44, ll. 1-7.

[277] Following the lunch break on April 28, 2026, S.A.N. told the Court she was thinking during the lunch break about the type of evidence that could help G.N. or hurt G.N.

[278] In the following exchange S.A.N. advised the Court what she recalled during the lunch break:

> Q. What's -- sure. What do you want to show us?
>
> A. And there is a four walls there, and there is a door. The tank is kind of like below the hip. You fetch the water from the tank, and you shower. And over there, there's no door. There's nothing. And according to the culture there, you are to wear a skirt while bathing. So, people are walking by. So, if anyone were to video, the one bathing can see that. I did mention this to [legal counsel].
>
> The second thing is the elevator key. The elevator key and the car keys and everything is held by my father. He never gives those keys to us. If it's going to throw the garbage, then I go with him or my mother goes with him, or he'll go by himself. So, you've got to insert the key and then push the parking button, and then you can get to the bottom. Then you go to the outside. So, that --

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> coming inside, there's a door that requires a key to get in, and then you use the elevator to go up.
>
> And the third point is that, in the garage, which is the East 4th Avenue garage, we always park the car outside. We never park it inside. We bought that house when I was in grade 11, in 2018. From that time forward, we always parked the car outside or out in the front. Because in the garage, we had clothes, boxes, folding chairs. And also, my dad drinks there. No one at home likes the fact that Dad drinks, and so -- he did not want us to learn this habit from him, so he would always go to the garage to drink. He wouldn't do that in front of us. My dad had the garage key. And then, during the summertime, he will open the garage and he'll ask me and my mom to clean the place.
>
> These are the things I remembered.

Ibid. p. 45, ll. 40-47 and p. 46, ll. 1-27.

[279] In response the Crown suggested to S.A.N. she pulled this information together because she "carefully analyzed" the various witness statements. S.A.N. agreed: *ibid.* at ll. 37-39.

[280] S.A.N. agreed that she learned from K.C.'s school attendance records that K.C. was late on January 10, February 7, and February 14. It was also her recollection that, in relation to her personal school attendance, she skipped school for a few days in December 2017, all of January 2018, up to the middle of February 2018: *ibid.* at p. 53, ll. 2-13.

V. POSITION OF THE PARTIES

(i) The Crown

[281] The Crown submitted in its written and oral submissions, G.N.'s evidence is not worthy of belief and ought to be rejected. The Crown submissions can be summarized as follows:

- That in relation to the interview conducted by Detective Regie the Court ought to find G.N. consistently and earnestly lied to Detective Regie;
- That G.N. contradicted his testimony given in direct examination about being truthful about everything when he spoke to Detective Regie, when cross-examination commenced;

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- That G.N. was either unwilling or was unresponsive in answering straightforward questions. For example, when the various images and text messages between him and P.C. were put to G.N. to establish his romantic interest in K.C., he would often respond by expressing an inability to recall what he was thinking at the time;
- That G.N. consistently lied or gave nonsensical and contradictory testimony in relation to the various images and text messages exchanged with P.C. For example, it made no sense when he testified that he texted P.C. professing his love for K.C. as a ruse to make P.C. jealous, as his real interest was in P.C.
- That the images and text messages exchanged between G.N. and P.C. clearly establish G.N. had a romantic interest in K.C. and not, at that time, P.C. or his now wife, K.T.;
- That G.N., S.N., and S.A.N. gave evidence in relation to life at the Kamloops apartment building that created an evidentiary shield tailored to establish it was impossible for G.N. to have committed the two sexual assault allegations at that property;
- That it was nonsensical when G.N., S.N., and S.A.N. all testified there was only one key for the elevator and one key to access the garbage and recycling room. Those keys always remained in the possession of S.N. who had exclusive access to the elevator and the garbage and recycling room;
- That in relation to the 4th Avenue duplex, G.N., S.N., and S.A.N. again tailored their evidence to establish the Kia automobile was never parked in the garage;
- That the story behind the garage becoming S.N.'s sole domain so he could drink beer without causing conflict with his family, and in particular G.N. who claimed S.N. had severely beat him on one occasion after drinking too much, was contradicted by S.N.;
- That with respect to the evidence of V.S., S.N.'s friend, little weight should attach to his evidence as he was only occasionally at the 4th Avenue duplex and never on weekdays;
- That in relation to S.A.N., her credibility was adversely influenced by her desire to help G.N. In cross-examination she was aware of evidence that would both hurt and help G.N.;
- That she was actively involved in translating disclosure evidence to legal counsel when G.N. was present;
- That K.C. gave detailed evidence with respect to the sexual assault allegations. Her account of what took place was a vivid and detailed account which included extraneous detail as she went to and from the Kamloops apartment building and the 4th Avenue duplex;

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- That G.N. took a video of K.C. showering in Sri Lanka that he used to induce her to come to the Kamloops apartment building address where the second sexual assault took place and to the 4th Avenue duplex where the third sexual assault took place;
- That the Court ought to infer K.C. experienced emotional fallout from the assaults. K.C. testified that after the first sexual assault she experienced emotional pain and shame that is supported by observations of both G.A.N. and P.C.;
- That there is an absence of any evidence to establish K.C. fabricated the sexual assault allegations. Her credibility was not undermined in cross-examination on her core allegations, and her overall narrative was inconsistent with any motivation to fabricate;
- That there is external consistency supporting K.C.'s sexual assault allegations. P.C. was cross-examined over an extended period without displaying any hint of animosity towards legal counsel;
- That P.C. downloaded images and text messages exchanged between her and G.N. that she felt were relevant to K.C. When it was discovered in cross-examination that there were other images and text messages contained in this chain, she readily cooperated in downloading those images and text messages;
- That the complete record of the images and text messages did not change their meaning that it was G.N. who was in love with K.C. and he was looking for a way to make her love him;
- That K.C.'s school attendance records [Exh. 6], the sex video purportedly made by G.N. and surreptitiously viewed by P.C., and the photograph taken by K.C. at Sunrise Park on January 15, 2019, at 10:52 a.m. externally support K.C.'s sexual assault allegations; and
- That K.C. testified in cross-examination that at one point during the second incident G.N. burnt her with a cigarette, which was supported by G.A.N.'s evidence.

[282] In conclusion, the Crown submitted the Court should reject the evidence of G.N. and witnesses called on his behalf and should accept the evidence of K.C. and other witnesses called by the Crown as credible, in establishing proof beyond a reasonable doubt that G.N. committed the indexed offences.

(ii) The Accused

[283] G.N. submitted the starting point of the case for the Crown turns on K.C.'s assertion he surreptitiously made a video of her showering in Sri Lanka. He then

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allegedly used that video to induce her into meeting with him or he would disclose the video to her father.

[284] G.N. submitted the video never existed. There is no independent evidence to establish the video existed. Other than K.C., no one else has seen this video.

[285] He submitted K.C.'s interview with Detective Fraser resulted in a deception by omission for her failure to explain to Detective Fraser the modest nature of Sri Lankan culture, where most men and women wear clothing to cover strategic areas of their bodies while bathing. Her assertion that she felt naked in the shower video could not be true.

[286] In addition, G.N. submitted it was only K.C. and P.C., after almost nine years, recalling some form of cloth was hanging from the entranceway into the shower facility. That was not the recollection of the defence witnesses.

[287] Though the Crown had the opportunity, it elected not to call any rebuttal evidence in the face of the denials of any criminality by G.N. and witnesses called on his behalf.

[288] G.N.'s submissions in relation to the three alleged sexual assault incidents are summarized as follows:

Incident 1

- That K.C. described snowy and icy conditions on her walk to the Kamloops apartment building that are inconsistent with Environment Canada records that do not note any below freezing temperatures after January 2, 2018;
- That there is no evidence to explain how K.C. managed to get into the Kamloops apartment building when she had no key to the building and no one in G.N.'s family facilitated her entry into the building;
- That G.N.'s mother was in the apartment on weekday mornings;
- That K.C. did not see any luggage in the bedroom when she was placed in the closet;
- That there was only one night table in G.N.'s bedroom contrary to K.C.'s evidence that there were two small tables;

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- That she testified she was mostly quiet during the alleged sexual assault and did not speak out and say “no” or words to that effect, yet in her first statement to the police she told the police she did say “no”; and
- That the school attendance records do not establish a date when K.C. did not attend school in the morning but did attend school in the afternoon.

Incident 2

- That there is no independent evidence, other than the evidence of K.C., to establish G.N. made good on his threat that he would forward the shower video to K.C.’s father if she didn’t come over;
- That there is credible and reliable evidence that G.N. could not access the parkade as he did not have a key to activate the elevator, nor did he have a key to enter the Kia;
- That the area for the disposal of garbage and recycling materials was off limits to family members, unless they were in the company of S.N.;
- That the evidence in relation to the cigarette burns on K.C. only came out in cross-examination because she forgot to mention it in her direct examination; and
- That G.A.N.’s evidence in relation to the cigarette burns was unreliable due to the lack of detail.

Incident 3

- That G.N. did not have access to the garage;
- That S.N. had exclusive possession of the key to access the garage from inside of the 4th Avenue duplex; and
- That there was reliable evidence, including that of the police at the time of the arrest of G.N., to establish there was no sofa or couch in the garage.

[289] G.N.’s submissions in relation to the impact of the sex video, Snapchat images and messages, and family dynamics between G.N.’s family and K.C’s family can be summarized as follows:

- That P.C.’s evidence concerning the sex video ought to be rejected, principally as there was no independent evidence to corroborate her evidence;
- That her identification of the voice being that of G.N. when it was no more than sounds of moaning and mumbling makes that evidence unreliable;
- That the Snapchat images and text messages downloaded by P.C. [Exh. 3], do not establish proof beyond a reasonable doubt that G.N. had any romantic interest in K.C. The Court should accept the position of G.N. that

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his interest was directed at P.C. and he was using K.C. as a ruse to make P.C. jealous;

- That upon reviewing the full chain of images and text messages [Exh. 24] it was clear the conversation was consistent with flirting and joking and inconsistent with G.N. having any romantic interest in K.C.;
- That historically G.N.'s family and K.C.'s family had a close relationship with both families intermingling at social events. Some of those family events took place after the date of the indexed offences, yet there is no evidence K.C. displayed any "awkwardness" at these events;
- That when the two families stopped socializing in either 2018 or 2019, neither P.C. nor K.C. expressed any "curiosity" in their cross-examination to explain why this sudden rupture completely changed the family dynamics;
- That P.C. and K.C. should not be believed when they attempted to distance themselves from their knowledge of the relationship between G.N. and his now wife, K.T.;
- That K.C., in a conversation with Detective Cameron, expressed frustration with the lack of movement in the police investigation and told the Detective G.N. lied about his romantic history when she was aware he had a girlfriend for many years in Toronto;
- That K.C. could not remember whether she sent a message to K.T. on Instagram telling her, "[G.N.] will not marry you. He will marry me": Transcript, February 2, 2026, p. 21, ll. 9-12; and
- That G.A.N.'s credibility was reduced when she testified she was walking to school with K.C. and K.C. pointed to a building where she claimed she was assaulted by G.N. This building was not the Kamloops apartment building.

VI. LEGAL FRAMEWORK

[290] Section 346(1) of the *Code* reads as follows:

> **Extortion**
>
> **346 (1)** Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.

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[291] The purpose of the provision is to protect against interference with the freedom of choice. The word “anything” is to be given a wide application and can include extorting sexual favours: *R. v. Davis*, [1999] 3 S.C.R. 759.

[292] Subsection (1) is broadly worded to criminalize threats of any kind made in an attempt to induce any person to do anything if those threats are made with the intention of obtaining anything. A legal justification must be reasonable, and the burden is on the Crown to demonstrate beyond a reasonable doubt the absence of any reasonable excuse or justification: *R. v. Alexander* (2005), 206 C.C.C. (3d) 233, leave to appeal to the SCC refused in (2006) 352 N.R. 197.

[293] Section 346(1.1)(b) reads as follows:

> **Extortion**
>
> (1.1) Every person who commits extortion is guilty of an indictable offence and liable
>
> …
>
> (b) in any other case, to imprisonment for life

[294] Section 151(a) of the *Code* reads as follows:

> **Sexual interference**
>
> **151** Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years
>
> **(a)** is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

[295] The mandatory minimum sentence of one year in prison was ruled unconstitutional by the Court of Appeal in *R. v. Scofield*, 2019 BCCA 3 at para. 89.

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[296] Section 272(1) of the *Code* reads as follows:

> **Sexual assault with a weapon, threats to a third party or causing bodily harm**
>
> **272 (1)** Every person commits an offence who, in committing a sexual assault,
>
> **(a)** carries, uses or threatens to use a weapon or an imitation of a weapon;
>
> **(b)** threatens to cause bodily harm to a person other than the complainant;
>
> **(c)** causes bodily harm to the complainant;
>
> **(c.1)** chokes, suffocates or strangles the complainant; or
>
> **(d)** is a party to the offence with any other person.

[297] Section 272(2)(a.2) of the Code reads as follows:

> **Punishment**
>
> **(2)** Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable
>
> …
>
> **(a.2)** if the complainant is under the age of 16 years, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years; and

[298] Bodily harm as used in subsection (c) can include psychological harm "that interferes in a substantial way with the integrity, health or well-being of a victim": *R. v. Mathieu*, [1996] A.J. No. 961, leave to appeal to the SCC refused [1997] S.C.C.A. No. 1.

VII. GENERAL PRINCIPLES

[299] The criminal justice system operates on an imperative that the obligation always rests with the Crown to prove a criminal offence beyond a reasonable doubt.

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[300] In *R. v. Lifchus*, [1997] 3 S.C.R. 320 at para. 36, Cory J. summarizes the principle of proof beyond a reasonable doubt as follows:

> Perhaps a brief summary of what the definition should and should not contain may be helpful. It should be explained that:
>
> - the standard of proof beyond a reasonable doubt is inextricably intertwined with that principle fundamental to all criminal trials, the presumption of innocence;
> - the burden of proof rests on the prosecution throughout the trial and never shifts to the accused;
> - a reasonable doubt is not a doubt based upon sympathy or prejudice;
> - rather, it is based upon reason and common sense;
> - it is logically connected to the evidence or absence of evidence;
> - it does not involve proof to an absolute certainty; it is not proof beyond any doubt nor is it an imaginary or frivolous doubt; and
> - more is required than proof that the accused is probably guilty -- a jury which concludes only that the accused is probably guilty must acquit.

[301] In short, the trier of fact must be “sure” the accused is guilty. Otherwise, the accused must be found not guilty: *R. v. Jordan*, 2026 BCSC 864 at para.16.

[302] Credibility and reliability are different evidentiary concepts. The British Columbia Court of Appeal (BCCA) in *R. v. Khan*, 2015 BCCA 320 at para. 44, noted the distinction between the two concepts as follows:

> Credibility and reliability are not the same. In *R. v. Perrone*, 2014 MBCA 74 at para. 26, appeal dismissed 2015 SCC 8, the Court referred to the description of the difference in *R. v. H.C.*, 2009 ONCA 56 at para. 41. Credibility concerns the veracity of a witness; reliability involves the accuracy of the witness’s testimony. Accuracy engages consideration of the ability of the witness to observe, recall and recount.

[303] Most sexual offences occur in private. The case for the Crown will often turn on the evidence of the complainant which is denied by the accused. In that event the trial will turn on the assessment of credibility. In that assessment a court should not embark

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upon a credibility contest. David M. Paciocco (as he then was) proposed the following approach trial judges should take where there is conflicting evidence:

> Proposition 2 -- A criminal trial is not a "credibility contest." It is a trial to determine whether the Crown has proved the guilt of the accused on the specific charges alleged, beyond a reasonable doubt. It is, therefore, wrong to decide criminal cases where there is conflicting evidence about whether the accused is guilty, simply by deciding which version of events is preferred. The decisive question is whether, considering the evidence as a whole, the Crown has proved the guilt of the accused on the specific charges alleged, beyond a reasonable doubt.
>
> Doubt about Doubt: Coping with *R. v. W.(D.)* and Credibility Assessment, (2017) 22 Cdn Criminal LR 31 at p. 6.

[304] Preferring versions of events between a complainant and the accused is inconsistent with the presumption of innocence and the requisite standard of proof: *Jordan*, *supra*, at para. 18.

[305] In this case the accused elected to testify. In *R. v. Khaira*, 2020 BCPC 6 at paras. 16 and 17, this Court explained the approach the trier of fact must take in the face of conflicting testimonial accounts:

> [16] The accused elected to testify. Accordingly, the credibility framework developed by the Supreme Court of Canada (the "SCC") in *R. v. W. (D.),* 1991 CanLII 93 (SCC), [1991] 1 S.C.R. 742 at p. 757 is applicable. It was designed to explain what reasonable doubt means in the context of conflicting testimonial accounts:
>
> > Ideally, appropriate instructions on the issue of credibility should be given not only during the main charge, but on any recharge. A trial Judge might well instruct the jury on the question of credibility along these lines:
> >
> > > First, if you believe the evidence of the accused, obviously you must acquit.
> > >
> > > Second, if you do not believe the testimony of the accused but you are left in reasonable doubt by it, you must acquit.
> > >
> > > Third, even if you are not left in doubt by the evidence of the accused, you must ask yourself whether, on the basis of the evidence which you do accept, you are convinced beyond a reasonable doubt by that evidence of the guilt of the accused.

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> [17] David M. Paciocco, *supra*, at p. 2, provides a useful approach in applying the *W.(D.)* framework:
>
> > What, then are the underlying principles that drive *W.(D.)* reasoning? Framed as they apply in criminal trials where there is evidence inconsistent with guilt, they are:
> >
> > (1) Criminal trials cannot properly be resolved by deciding which conflicting version of events is preferred;
> >
> > (2) A criminal fact-finder that believes evidence that is inconsistent with the guilt of the accused cannot convict the accused;
> >
> > (3) Even if a criminal fact-finder does not entirely believe evidence inconsistent with guilt, if the fact-finder is left unsure whether that evidence is true there is a reasonable doubt and an acquittal must follow;
> >
> > (4) Even where the fact-finder entirely disbelieves evidence inconsistent with guilt, the mere rejection of that evidence does not prove guilt, and
> >
> > (5) Even where the fact-finder entirely disbelieves evidence inconsistent with guilt, the accused should not be convicted unless the evidence that is given credit proves the accused guilty beyond a reasonable doubt.

[306] The Crown and the accused have submitted witnesses at this trial have lied or have been deliberately dishonest. In such a situation Morley, J. in *Jordan*, *supra*, at para. 24 proposes the following approach:

> If a witness is shown to lie or be deliberately dishonest on one point, then a trier of fact can, although need not, reject other evidence because of their demonstrated lack of trustworthiness. Certainly, if a witness is lying or being deliberately misleading on a particular point, then their testimony cannot be a reliable basis for a finding on that point. But while subjective honesty is a necessary condition for inferring a fact from testimony, it is not a sufficient one. A witness may be telling the truth from their own perspective, but their testimony may be wrong either because of a failure of memory, of perception or of ability to express themselves.

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[307] In this case K.C. was 12 years old at the time of the sexual assault allegations. Accordingly, the Court should focus on core allegations and not peripheral matters. The rationale was explained by the BCCA in *R. v. Thomas*, 2024 BCCA 150 at para. 66:

> In cases involving sexual violence, this approach fails to recognize that complainants who are sexually assaulted may have their memories affected by trauma. Peripheral details of a traumatic event can be difficult to recall and accurately describe at a later date: *R. v. A.A.*, 2023 ONCA 174 at para. 17; *R. v. G.M.C.*, 2022 ONCA 2 at para. 38. Furthermore, due to the trauma and shame and lack of understanding of the criminal justice system process, a complainant's descriptions of the sexual assault may unfold gradually, and so not every complainant will be asked about or report all details at once. The incremental reporting of a sexual assault should not automatically lead to a negative inference on a complainant's credibility: *R. v. Garford,* 2021 ABCA 338 at para. 22.

VIII. ANALYSIS AND FINDINGS

[308] This case involves a body of evidence interconnected and impacted by family bonds and the rupture of those family bonds arising from the "problem" created by K.C.'s allegations that she was extorted and sexually assaulted by G.N.

[309] G.N. has denied the allegations. G.N. takes the position he could not have committed the indexed offences due to his family's living arrangements at both the Kamloops apartment building and the 4th Avenue duplex.

[310] S.N. testified he controlled access to the Kia, the elevator, and the lower areas of the apartment building, including access to the parkade, and access to the garbage and recycling room, by tightly holding in his possession keys for those areas locked in a small bag.

[311] With respect to the 4th Avenue duplex, S.N. testified he controlled access to the garage through either the vehicle garage door or the side door from the interior of the duplex to the garage. It is the interior door that he claimed required a key and he again tightly held in his possession the only key to open that door.

[312] S.A.N. gave evidence confirming the above living arrangements.

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[313] I do not find there was any air of reality to establish these living arrangements existed.

[314] While G.N. professed in his direct examination to having been mostly honest and truthful in his interview with Detective Regie, it became clear early into his cross-examination that he, in fact, lied to detective Regie:

> Q. So, you did not feel you had to tell the police officer the truth?
> A. It’s not that I did not feel, but I did not want to.
> Q. Okay. So, you tell the truth when you want to?
> A. No, it is not like that. But I did not want to talk to him about that because I was afraid what they will think about me.
> Q. So, you lied to him?
> A. Yes.
> Transcript, April 14, 2026, p. 33, ll. 20-29.

[315] As the cross-examination continued it became apparent G.N. was consistently lying to Detective Regie, notwithstanding his assertion to Detective Regie that he was being honest and truthful.

[316] For example, when he was explaining what he understood was taking place in the text messages and images exchanged with P.C., [Exh. 3], he lied to Detective Regie on six occasions: Transcript, April 16, 2026, pp. 8 and 9.

[317] I find G.N. struggled on many occasions in his cross-examination to justify the propriety of his conduct in relation K.C.

[318] For example, in the following exchange, G.N. struggled to justify why he thought it was okay in 2017 for him to have a romantic interest in K.C., at that time a thirteen-year-old girl:

> Q. And that's -- you really thought at that time that it was okay for you as a 19-year-old to have a relationship with a person you thought was 13?
> A. The reason why I spoke to her was to make her jealous, and that was the reason.

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Q. You thought at that time, in 2017, that it was okay for a 19-year-old to be in a romantic relationship with a 13-year-old.

A. Me, I don't know. I don't remember. I don't know if I thought like that or not.

Q. Well, read your own texts.

A. When I look at it now, I understand, but -- not at that time, but now I understand.

Q. Right. So, at that time, you thought it was okay.

A. That is why I'm saying, whether I thought like that or not at that time, I do not know.

Q. Did you think in 2018 or at any time that it was okay for an adult to have a romantic relationship with a child?

A. Now or then?

Q. Then.

A. I don't remember what I was thinking.

Q. You can't remember if there was a time when you thought it was okay for adults to have romantic relationships with children?

A. Now I know it is bad.

Q. Okay, so -- but then you thought it was okay?

A. That, I don't remember.

Transcript, April 16, 2026, p. 20, ll. 11-38.

[319] In relation to household chores at the Kamloops apartment, G.N. testified his father took out the garbage because his mother did not know how to cook at that time. His father did “the cooking and looks after the garbage and everything”: Transcript, April 15, 2026, p. 58, ll. 2-7.

[320] This was inconsistent with the evidence of both S.N. and S.A.N., who both testified the mother performed household chores, including cooking.

[321] I find it was absurd when G.N., S.A.N., and S.N. all testified the garbage and recycling room was essentially out of bounds for any family members unless in the company of S.N., out of his concern his children and his wife would not be able to separate the recycled materials.

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[322] It made no sense whatsoever for S.N. to be the person responsible for household chores, including cooking, taking out the garbage, and sorting the recycling materials, when he was also holding down a day job and a night job during the week.

[323] In direct examination, G.N. testified he had continuing Snapchat contact with P.C., including contact on November 30, 2020 [Exh. 29]. However, when asked to compare the profile images of the individual purported to be P.C. with the image profile from an earlier screenshot [Exh. 21], he agreed the images were different.

[324] I would also note the first four letters of the individual noted in Exh. 29 are “Pear” and in Exh. 21 the first three letters are “Pir’. The spelling of the full name of the image profile in Exh. 21 is consistent with the spelling of the first name of P.C.

[325] G.N. and S.A.N. testified their mother was essentially locked down in the Kamloops property on weekdays and only left if she was in the company of one of her children, her husband, or if she was going to and from work.

[326] S.N. testified to the same effect.

[327] They all testified this was a cultural role of married women in Sri Lanka. The husband was in control, and the wife would always be subservient to the husband.

[328] I do not find it made sense G.N.’s mother was allowed to walk to the bus stop, take the bus to her place of employment, apparently walk to her place of employment, at the end of her shift around midnight walk back to the bus stop, take the bus back to the bus stop where she caught the bus, and then walk to the apartment building. All unaccompanied.

[329] I do not find G.N., S.A.N., or S.N. to be truthful. I had the clear impression their evidence was designed to create a false living arrangement to establish that G.N.’s mother or S.A.N. were always at home during the weekday mornings of January through March 2018.

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[330] G.N. testified there was an incident at the Kamloops apartment when S.N., apparently while intoxicated, went into a rage and beat G.N. so violently that he subsequently attempted suicide.

[331] This was one of the principal reasons why the garage at the 4th Avenue duplex became the exclusive domain of S.N. When S.N. wanted to drink beer, he would go to the garage and drink beer that was stored on a shelf.

[332] V.S. testified he would drink beer with his friend, S.N., in the garage. This usually took place on weekends approximately three times per month.

[333] As noted at paragraph 232 of this judgment, S.N. denied having a drinking problem or that he ever beat his son to the point that he attempted suicide.

[334] This inconsistency strips away one of the justifications for the garage being the exclusive domain of S.N. If he was not a violent man and did not have a drinking problem, why would he not be able to have the comfort of enjoying a beer from the refrigerator in the duplex rather than drinking a warm beer stored on a shelf in the garage?

[335] G.N., S.N., and S.A.N. all maintained the garage was the sole domain of S.N. to remove any opportunity or possibility any sexual assault took place in that garage.

[336] I do not find those items contained within the garage as depicted in Exh. 30 accurately reflect what was in the garage in January 2019. The garage is certainly cluttered, nor is a couch or a sofa depicted.

[337] While G.N. testified his family did not have a couch, S.N. testified there was a couch at the Kamloops apartment that S.A.N. used as she didn’t have a separate bedroom.

[338] G.N. conceded in cross-examination that he was unable to say if there was a couch in the garage in January 2019: Transcript, April 15, 2026, p. 61, ll. 18-26.

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[339] S.A.N. testified she has “analyzed” all the disclosure in this case. She knows what can help G.N. and what can hurt G.N. as a matter of evidence. As noted at paragraphs 277 and 278 of this judgment, and without prompting, she gave three examples of evidence that could help G.N.

[340] I find S.A.N. to be an intelligent and articulate person. She is also devoted to G.N. and believes he is innocent. She clearly has actively been involved in this file from the time G.N. was arrested, as she provided translation when necessary: Exh. 1, tab 1.

[341] While denying any collusion, I find she is deeply invested in this trial and has talked to S.N. and G.N. about the evidence, and what could hurt G.N. or help him.

[342] That is why, at every turn, in G.N.’s denial of any criminality, a shield has been created to establish either impossibility or implausibility G.N. sexually assaulted K.C.

[343] I find S.A.N. helped to create this shield from her deep knowledge of the file and what she came to learn about the type of evidence that would help or hurt G.N.

[344] I further find this case has little, if anything, to do with K.T. and the suggestion advanced by G.N. the rupture between the two families arose from G.N.’s failure to be an eventual husband of either K.C. or P.C.

[345] I note during the arrest of G.N. there was never a mention of K.T. raised by G.N., or any member of his family, after the arrest script was read to him. S.N. stated on three occasions he was aware of this “problem”: *ibid*. at p. 5, l. 9 and p. 6, ll. 20-22.

[346] I find the “problem” was the allegations of sexual assault disclosed by K.C.

[347] I further find, after the Sri Lanka trip, G.N. was clearly infatuated with K.C., and made that infatuation known to P.C. in his text message exchanges with P.C.: Exh. 3. His assertion these exchanges were designed to make P.C. jealous defies belief. The exchanges clearly establish, at that time, he was in love with K.C., and not K.T.

[348] K.C. was vigorously cross-examined for two days.

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[349] She denied learning from her father, or S.N., of any plan in which P.C. was to marry G.N.

[350] In relation to the first incident, K.C. admitted she was aware the front door to the apartment building required a key. She could not remember how she got in. She recalled G.N. “mentioned” to her that someone might be home, either S.A.N. or his mother.

[351] She went to G.N.’s apartment where he let her in.

[352] Once she was in the apartment she took off her shoes, put them beside the front door, and then walked past the kitchen, past the master bedroom, and then into G.N.’s bedroom that was located at the end of the hallway.

[353] She speculated she may have been in G.N.’s bedroom for upwards of one hour but could not remember because everything became a blur and she was blacking out: Transcript, February 2, 2026, p. 60, ll. 2-19.

[354] While she was at the apartment, G.N. threatened to send the video of her having a shower in Sri Lanka to her father and posting it on social media. In hindsight, she agreed the most that could have come out of that video would be her father’s anger at G.N. for producing the video.

[355] She agreed that on a later date she learned her father had received a video from G.N. When she learned that information she surreptitiously checked her father’s phone where she observed a “blurry image” and she panicked.

[356] She did not take further steps to recover that video because she “didn’t know if it was there. Like if that was the video. I didn’t know”: *ibid.* at p. 59, ll. 14-20.

[357] She recalled the second incident occurred approximately two-and-a-half weeks after the first incident.

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[358] She recalled G.N. was continuing to blackmail her with the video, explaining, in part, “And telling me that I had to come, and that if I do come, that is -- that his family is home, and basically just saying how I will ruin my life if I don’t”: *ibid*. at p. 65, ll. 10-41.

[359] She was met by G.N. who escorted her down to the parkade. She recalled they took an elevator but could not recall whether a key was used to activate the elevator. She described the parkade being dark and containing numerous parked cars, including the Kia.

[360] In the following exchange she recalled being in the Kia with G.N. when he burned her with his cigarette:

> Q. Sorry, you're saying that during this second incident, he burned you with a cigarette?
>
> A. Yes.
>
> Q. Describe that for us.
>
> A. This was a very big gap in my memory, I would say. I remember him asking me to smoke, and I denied that, and he had put the cigarette on my skin, which was on my hand.
>
> Q. Sorry, who put the cigarette on your skin?
>
> A. My cousin did that. So, that was something that I thought was very violent that I had to completely remove from my memory and forget about.
>
> Q. Where on your hand?
>
> A. It was not on my hand.
>
> Q. Sorry, I misunderstood. Where did he put the cigarette?
>
> A. On my arms -- or on my arm. I remember it being on my arm.
>
> *Ibid.* at p. 80, ll. 28-45.

[361] She could not remember if G.N. burned her once or twice on her left arm with the cigarette. However, she recalled he burned her with the cigarette before asking her to perform oral sex on him.

[362] When he burned her with the cigarette she described that it “hurt” and caused her to flinch. She covered the burn with her hand, explaining in part, “I didn’t really look

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down at my hand. I just kind of pressed down on it … My arm. Sorry": *ibid*. at p. 82, ll. 8-12.

[363] She recalled putting some cream on the burn marks. While not certain, she thought the burn marks lasted "maybe a few months."

[364] She could not recall when she spoke to her friend G.A.N. about the second incident. She thought it was a few weeks after the second incident that she spoke to her friend.

[365] She recalled telling G.A.N. "something bad had happened" to her but did not give any details other than identifying G.N. as the perpetrator. She also identified G.N. as the person who burnt her with the cigarette. She could not recall if she showed G.A.N. the burn marks on her arm.

[366] In relation to the third incident, K.C. was adamant there was a couch in the garage at the 4th Avenue duplex.

[367] She agreed, while there was a "lot of stuff" in the garage at the time of the third incident, there was sufficient room for the Kia to fit in the garage.

[368] She had no knowledge, nor had she ever heard anything to suggest S.N. had a drinking problem. Nor did she have any knowledge he had been relegated to the garage by his family if he was going to be drinking alcohol.

[369] She agreed that at a point after the third incident P.C. had been "snooping" on her phone and discovered the video of K.C. performing oral sex on G.N.

[370] In the following exchange she related her reaction and what she did when she was confronted by P.C.:

> Q. Okay. I'd like you to go through for us what occurred, how it was that you learned what she knew. What did she tell you?
>
> A. She told me that she saw me doing something in a video, and when she had told me about it, I panicked, and I got scared of what she would think, and after she saw it, the video of -- after she saw the

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> video, I had went to my phone and unlocked the phone and deleted the video, and once I deleted it, we never spoke about it again.

Ibid. at p. 88, ll. 41-47, p. 89, ll. 1-3.

[371] She recalled disclosing to her father, in July 2022, the allegations committed by G.N. Her father asked her why she did not make the disclosure earlier. She told her father she was “scared” and “really shameful” to tell the truth: Transcript, February 3, 2026, p. 22, ll. 23-34.

[372] She denied she was afraid her father would hit her if she disclosed the allegations committed by G.N.

[373] Following the disclosure, she was present when her father, and other family members, participated in a telephone conversation with G.N.’s family. She believed the telephone call was on speakerphone. She recalled her father appeared to be angry, upset, and confused during this telephone call.

[374] I find K.C. was responsive to questions put to her in cross-examination.

[375] She freely admitted a great deal of time had passed by before the allegations were disclosed.

[376] She admitted in cross-examination there were times when she could not recall events or situations suggested to her. However, she was consistent, and was not undermined, in relating the core allegations of the three sexual assaults committed by G.N.

[377] I do not find that she participated in any collusion with any family members or with G.A.N.

[378] I do not find that she embellished or exaggerated her testimony.

[379] Though upset and ashamed over what happened with G.N., I did not sense any animosity toward G.N.

[380] I find K.C. to be a credible witness.

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[381] P.C. was vigorously cross-examined over two-and-a-half days.

[382] As I have found K.C. to be credible I find it unnecessary to analyze in detail the impact of cross-examination on P.C.'s credibility.

[383] However, there are aspects arising from her cross-examination that add clarity to the narrative or corroborate K.C.'s evidence.

[384] P.C. testified K.C. told her about the shower video allegedly made by G.N. when they were in Sri Lanka. She described K.C. explaining that she was not naked, rather, she "felt naked."

[385] She agreed she had learned from K.C. that the shower video had been sent to her father's phone. When she learned of this information she did not take any steps to try to remove the video from her father's phone because he no longer had that phone.

[386] She denied her father made any arrangement for her to marry G.N. She denied in Sri Lankan culture it would be "proper" for her to marry her cousin, G.N.

[387] She did not think it was a joke when G.N. texted her on Snapchat in January 2018, telling her that he loved K.C.

[388] She denied intentionally manipulating any of the text messages or images, including timestamps, in the Snapchat exchange. She downloaded for the police those messages that pertained to G.N. and K.C.: Exh. 3.

[389] She blocked G.N. on her Snapchat account the day she found the sex video on K.C.'s phone.

[390] Though pressed, she denied there was any continuing contact on Snapchat between herself and G.N. after she blocked him.

[391] She agreed K.C. appeared scared in disclosing the sexual assault allegations involving G.N. However, she denied her sister's fear had anything to do with something that her father might do to her, such as hit her.

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[392] P.C. testified, once the police became involved in the investigation of the sexual assault allegations made by K.C., she was not “concerned” whether K.C. accurately explained her side of the story.

[393] While admitting she wanted to support K.C., she denied interfering in the police investigation by speaking to her about details of the investigation that might enhance her credibility.

[394] P.C. denied she spoke to K.C. after she testified at this trial because, in her words, she was “not allowed” to talk to her about the case: Transcript, March 16, 2026, p. 99, ll. 9-15.

[395] She denied her father ever told her he was upset with G.N. and his family because of G.N.’s relationship with K.T.

[396] I find P.C. was responsive to questions and suggestions put to her by G.N.

[397] Though pressed in cross-examination, she consistently denied that she was participating in any flirtatious activity between her and G.N. in any Snapchat conversations with him.

[398] I find she was honest in her denial of any such activity in their Snapchat conversations.

[399] I find she was being honest, though pressed on many occasions, in her denial that there was any expectation of her marrying G.N.

[400] She corroborated K.C.’s evidence that she was scared to disclose the sexual assault allegations to her father, not out of the fear of any physical harm but, out of the fear of what he would think.

[401] I find there is no evidence to suggest she interfered in the police investigation or this trial.

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[402] I do not find there is any evidence to establish she colluded with K.C., G.A.N, or S.R. in this trial.

[403] I find P.C. to be a credible witness.

[404] While I have found K.C. and P.C. to be credible and I have rejected the evidence of G.N. and witnesses called on his behalf, that does not end the matter.

[405] The Crown has submitted it is credibility that is the key to this case. Were the Court to find K.C. credible in relation to core allegations, G.N. ought to be found guilty of all the indexed offences.

[406] This case involves a historical sexual assault allegation. At the time of the sexual assault allegations K.C. was 12 years old. Finding her to be credible does not lead to a finding that her evidence is reliable on all core allegations.

[407] In this case, K.C. testified G.N. used the shower video that he showed her when he sexually assaulted her at the Kamloops apartment (incident one) to “blackmail” her into meeting him again, resulting in the second and third sexual assault incidents.

[408] In relation to the third incident, it was not the potential of the shower video being sent to her father that motivated K.C. to meet G.N. at the 4th Avenue duplex as G.N. had demanded, rather her concern that he would “rape” one of her sisters if she did not.

[409] K.C. testified, after the first incident, but before the second incident, G.N. messaged her that he had sent the shower video to her father. In a panic she surreptitiously looked at her father’s phone and saw an image that she described as a “blur.” She only looked at it briefly and could not provide any detail of what she observed.

[410] I do not find her evidence to be reliable that the shower video was, in fact, sent to her father.

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[411] In relation to the shower video, K.C. was unable to provide details of what was revealed in that video. The Court was not told what she was wearing or what parts of her body were revealed in the video that made her feel “nearly naked.”

[412] She testified, while she was performing oral sex on G.N. during the third incident, he grabbed her phone and began videoing what was taking place. At the conclusion of the encounter, he told her to send him the video when she got home or he would publish the shower video to the web.

[413] There was no explanation provided why she had to wait until she got home to send him at the sex video. Perhaps it was a software issue that prevented her from sending him the sex video when she was at the 4th Avenue duplex. However, the Court is prohibited from speculating.

[414] In any event, she sent him the sex video from home, believing he wanted it for his own personal pleasure. She also kept the sex video on her phone.

[415] K.C. did not give any reliable explanation why she was viewing the sex video. If the sexual assaults were violent and traumatic, as she described, it did not make sense she would want to relive the violence and trauma by watching the sex video.

[416] The fact she kept the sex video for a significant period is difficult to comprehend. Then, once P.C. discovered the sex video, K.C. panicked and deleted the video, a potentially critical piece of evidence.

[417] I do not find there is that degree of certainty to establish with clarity the actual words spoken by G.N., and the impact of those words on her mind, to find beyond a reasonable doubt she was induced to do anything as required by s. 346(1.1)(b) of the *Code*.

[418] The Crown submitted in relation to Count 3; the charge of sexual assault causing bodily harm, there were two pathways to establish the causal connection for bodily harm.

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[419] First, K.C. testified she began to bleed after G.N. digitally penetrated her in relation to the first incident.

[420] Second, the Court has the benefit of the evidence of K.C., corroborated by the evidence of G.A.N., that G.N. burned her with a cigarette causing bodily harm in relation to the second incident.

[421] In relation to the first pathway, K.C. did not testify she suffered any vaginal pain or sustained any vaginal injury following the first incident. She testified, as noted at para. 56 of this judgment, that she did not know what she was feeling and, “it wasn’t just that day that I started bleeding … I just don’t remember.”

[422] There is no evidence K.C. received any medical treatment, including psychological treatment, at any time with respect to the first incident.

[423] She testified she viewed the sex video a few months after the first incident at the school library when she was experiencing a menstrual cycle.

[424] The Crown did not call any medical opinion evidence to explain the causation factor in relation to the bleeding experienced by K.C.

[425] In relation to the second pathway, K.C. testified G.N. burned her with his cigarette because she declined to have a cigarette with him. This occurred before he demanded she perform oral sex on him.

[426] The one or two burns made a mark on the skin on her left arm. She recalled putting cream on the marks, but it does not appear there was any other medical intervention.

[427] G.A.N. recalled observing the cigarette burn marks later and being told by K.C. that G.N. was the perpetrator.

[428] I do not find the Crown has established beyond a reasonable doubt a causal connection to establish the cigarette burn marks were linked to the sexual assault in relation to the second incident.

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[429] In relation to the allegation of sexual interference contrary to s. 151 of the *Code*, K.C. was consistently clear she was sexually assaulted by G.N. on three occasions.

[430] She provided details of the three incidents, including how she got to and from the Kamloops apartment and the 4th Avenue duplex.

[431] In relation to the first incident at the Kamloops apartment, she described taking off her shoes and putting them by the front door before walking through the apartment to G.N.'s bedroom.

[432] She clearly recalled having her face covered by a pillow and "seeing stars," and then G.N. digitally penetrating her and she began to bleed. The sexual assault ended when she believed G.N. heard someone coming home and he put her in the closet.

[433] Her account of what took place during the first incident was not undermined nor rendered unreliable through her cross-examination.

[434] In relation to the second incident at the Kamloops apartment, K.C. gave a detailed account of what took place when she was escorted to the parkade and sexually assaulted by G.N. in the Kia.

[435] Her account of what took place in the parkade was not undermined nor rendered unreliable through her cross-examination

[436] School attendance records established mornings in January and February 2018, when K.C. was absent.

[437] In relation to the third incident at the 4th Avenue duplex, K.C. gave a detailed account of what took place between her and G.N. in the garage.

[438] Her account of what took place in the garage was not undermined nor rendered unreliable through her cross-examination.

[439] P.C. testified she viewed the sex video before K.C. deleted that video.

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[440] While I am not persuaded the Crown has established proof beyond a reasonable doubt the mumbling voice she heard on that video was that of G.N., I am satisfied P.C. viewed a video in which K.C. is performing oral sex upon a male.

[441] K.C. has testified that person was G.N. I accept that identification to establish proof beyond a reasonable doubt the individual in question was G.N.

[442] G.A.N. and S.R. both testified K.C. identified G.N. as the individual who interfered with her personal integrity and autonomy. I accept their evidence as both credible and reliable in corroborating K.C.'s identification of G.N.

IX. DISPOSITION

[443] In relation to Count 1, the charge of extortion, I find the accused not guilty.

[444] In relation to Count 2, the charge of touching a minor for a sexual purpose, I am satisfied the Crown has established proof beyond a reasonable doubt that the accused is guilty.

[445] In relation to Count 3, the charge of sexual assault causing bodily harm, I am not satisfied the Crown has established proof beyond a reasonable doubt K.C. sustained physical bodily harm.

[446] While she likely did suffer from some negative psychological impacts as a result of the sexual assaults, no expert evidence was led to substantiate a claim of psychological harm: *R. v. Mathieu*, *supra*, at p. 297(f).

[447] Accordingly, I find the accused not guilty of sexually assaulting K.C. causing her bodily harm.

[448] However, by operation of s. 662 of the *Code*, I find the accused guilty of the included offence of sexual assault of K.C., contrary to s. 271(a) of the *Code*.

The Honourable Judge G.M. Rideout
Provincial Court of British Columbia

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