

Citation: *R. v. Buyck*, 2026 YKTC 27

Date: 20260603
Docket: 24-00715
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Chief Judge Phelps

REX

v.

ROY KENNETH BUYCK

Appearances:
Andreas Kuntz
Felix Larose

Counsel for the Crown
Counsel for the Defence

This decision was delivered from the Bench orally and has since been edited without changing the substance.

REASONS FOR JUDGMENT

[1] PHELPS C.J.T.C. (Oral): Roy Kenneth Buyck pleaded not guilty to two Counts alleging that he:

- (1) On or about the 3rd day of October in the year 2024 at Mayo, Yukon Territory, did commit a sexual assault on [the Complainant], contrary to Section 271 of the Criminal Code; and
- (2) On or about the 3rd day of October in the year 2024 at Mayo, Yukon Territory, did without lawful authority confine [the Complainant], contrary to Section 279(2) of the Criminal Code.

[2] The matter proceeded to trial on May 11 to 13, 2026, in Mayo, Yukon. The Crown presented three witnesses: Cpl. Colin Lanthier-Dubois, the lead RCMP investigator (the “Lead Investigator”), Michelle Tough, registered nurse (the “Registered Nurse”), and the Complainant.

[3] Mr. Buyck testified on his own behalf.

[4] With respect to Count one, the elements of the offence of sexual assault include the *actus reus*, being the act, as set out by the Supreme Court of Canada in *R. v. Chase*, [1987] 2 S.C.R. 293, at para. 11:

Sexual assault is an assault...which is committed in circumstances of a sexual nature, such that the sexual integrity of the victim is violated. The test to be applied in determining whether the impugned conduct has the requisite sexual nature is an objective one...

[5] The Court concluded that the offence of sexual assault requires general intent only. The resulting *mens rea* requirement of the offence, being the mental element, is that the act of unwanted sexual touching is combined with an intention to touch on the part of the accused knowing, or being reckless of, a lack of consent from the person being touched.

[6] There is no dispute in this case that on October 3, 2024, the Complainant was at the residence of Mr. Buyck in the early morning hours. There was contact between them that was sexual in nature at that time. The issue for the Court to determine regarding Count one is whether the Crown has established beyond a reasonable doubt how the contact occurred and whether there was consent to the contact by the Complainant.

[7] With respect to Count two, the Supreme Court of Canada set out the elements of the offence of unlawful confinement in *R. v. Sundman*, 2022 SCC 31, at para. 21:

To establish unlawful or forcible confinement under s. 279(2) of the *Criminal Code*, the Crown must prove that (1) the accused confined another person; and (2) the confinement was unlawful...At its core, unlawful confinement involves a deprivation of a person's liberty... Unlawful confinement occurs if, for any significant time period, a person is coercively restrained or directed contrary to their wishes, so that they cannot move about according to their own inclination and desire...The person need not be restricted to a particular place or physically restrained ...The restraint can be through violence, fear, intimidation or psychological or other means...The purpose of the confinement is not relevant... .

[8] The version of events testified to by the Complainant and Mr. Buyck on Count two differ significantly. The question is whether, on the facts accepted, the Crown has proven beyond a reasonable doubt that Mr. Buyck used force or violence to restrain the Complainant on October 3, 2024.

Direct Examination of the Complainant

[9] The Complainant was at home on October 3, 2024, with her partner, A., and his brother, C., drinking vodka and water. She had a couple of drinks and was out of vodka when her uncle, E., came over and wanted her to go with him to go buy some vodka from Mr. Buyck, a bootlegger. The Complainant wanted to consume more vodka and agreed to accompany E. E. was in her residence for approximately 15 minutes before they departed.

[10] The Complainant does not recall the time of day, but it was dark outside, so she surmises that it was during the evening. She walked with E. to the residence of

Mr. Buyck which was an estimated 15-minute walk. During the walk, because she was frightened of Mr. Buyck, she told her uncle not to leave her there alone.

[11] The Complainant testified that she self medicated with alcohol to deal with her back pain. The pain can be debilitating at times and without alcohol she cannot do basic tasks. She was out of vodka so she went with E., despite her fear of Mr. Buyck, to ensure she would get some of the vodka. She did not have any money herself to purchase her own vodka.

[12] The Complainant had purchased alcohol from Mr. Buyck in the past, approximately five times. She denies calling him before going to his house, but she knew how to get his number.

[13] Mr. Buyck answered the door when they arrived and let them in the house. The three of them sat at a kitchen table near the entrance and E. asked for a bottle of vodka which Mr. Buyck retrieved from another room. When he received the bottle of vodka, E. announced that he had to urinate and went out the front door to do so. Once E. was outside, Mr. Buyck got up, locked the front door, grabbed the Complainant by the sweater from her seat at the table, and pushed her into a nearby bedroom.

[14] The Complainant has chronic pain in her back due to degenerative disc issues and was unable to push back against Mr. Buyck to stop him. He pushed her down on the bed, face first, and pulled down her pants and underwear. Her ankle high boots were still on, and her pants could not be pulled off all the way, binding her feet together.

[15] Mr. Buyck then penetrated her with his penis from behind, “not vaginally”, eventually turning her over and penetrating her vaginally from the front. As he turned her over, he stated that he was going to “finish” inside her, meaning ejaculate inside her vagina. While she was on her back, he had his hand on her throat holding her down, but she could breathe. She could not get up due to how he was holding her and her back pain.

[16] During the time he began pushing her into the bedroom until he finished, the Complainant said “no” and “stop” repeatedly. She also told him that he was hurting her. He responded saying things like “you’re so good” and ignored her pleas to stop.

[17] When he finished and got off her, he left the room. The Complainant pulled her pants up and left the room. Mr. Buyck came out of a different room with a bottle of vodka and tossed it at her, telling her to “get the fuck out” and that he was “done with her”.

[18] The Complainant walked home and when she entered, she put the bottle on the table and broke down crying. She told her partner, A., what happened, consuming a “couple of drinks” of vodka as she did so, and he encouraged her to call the police.

Evidence of the Lead Investigator

[19] The Lead Investigator received a call from dispatch at approximately 4:20 a.m. advising him that the Complainant called and wished to report this incident to the RCMP. He attended at her residence within approximately five minutes and spoke to her outside her residence. He had interacted with the Complainant on many occasions

in the two years he had been stationed in Mayo, and he noted her to be intoxicated, based on the smell of alcohol, her admission to drinking alcohol, and the nature of her speech. She presented as agitated, crying and yelling.

[20] Once she advised him of the nature of the complaint, he escorted her to the Mayo Health Centre to see a medical practitioner. She attended with the Registered Nurse while he sat in a separate room. The Registered Nurse was unable to conduct a sex assault examination which would require a medivac later in the day to Whitehorse. The Complainant was released to go home, and he returned her to her residence at 5:55 a.m. When they reached the residence, the Lead Investigator requested her clothing, and she complied by going into the residence to change while he waited outside. At 6:20 a.m. he seized the clothing that she provided him.

[21] Due to the Complainant's level of intoxication, the Lead Investigator postponed taking a statement from her, electing to wait for a time when she was sober.

[22] At 6:42 a.m. the Lead Investigator received a second call regarding the Complainant, who was requesting medical assistance. He attended at her residence, and she came outside with C. who was very intoxicated and agitated. C. told him that if the RCMP did not act on the complaint within four hours he would take matters into his own hands. He also stated that he was going to burn Mr. Buyck's residence down.

[23] The Lead Investigator had many dealings with C. during his time stationed in Mayo, noting that C. was known to be violent.

[24] At approximately 9:30 a.m. the Lead Investigator received a call regarding a complaint by Mr. Buyck that C. had damaged his property. He attended at the residence later in the day and noted damage to the siding of the home as well as to a window in the door.

[25] The Lead Investigator arrested Mr. Buyck at approximately 5:20 p.m. and observed him to be calm and cooperative. The Lead Investigator believed him to be afraid of C. based on comments he made during his arrest.

[26] Mr. Buyck declined the opportunity to speak to legal counsel and provided the Lead Investigator with a warned statement at the detachment. During the statement, Mr. Buyck showed him his phone, displaying calls from a number the Lead Investigator recognized to be the Complainant's phone. From 1:00 a.m. to 1:22 a.m. there were five calls from her that lasted from 10 seconds to 24 seconds in duration. There were an additional four missed calls from the Complainant's phone between 2:12 a.m. and 3:12 a.m.

[27] Mr. Buyck was released after the statement was provided.

[28] At approximately 11:00 p.m. the Lead Investigator received a call regarding an arson at Mr. Buyck's residence. He attended and noted fresh burns to the outside of the residence which had been extinguished.

[29] The Lead Investigator attended at My Buyck's residence again on October 5, 2024, at Mr. Buyck's request, as he wanted to provide an additional statement regarding the charges.

[30] The Lead Investigator arranged to take a statement from the Complainant when she returned to Mayo, on October 5, 2024, and requested that she be sober. On October 5, he noted her to be under the influence of alcohol but based on his experience with her he assessed that she was able to give a statement.

[31] The Complainant submitted to a sex assault kit examination in Whitehorse after her medivac on October 3, 2024. The Lead Investigator sent the Complainant's underwear seized from the Complainant along with the vaginal swabs from the sex assault kit for DNA testing. The DNA testing results did not identify any DNA from Mr. Buyck.

Evidence of the Registered Nurse

[32] The Registered Nurse has been a registered nurse for 11 years and spent the past two years in Mayo, Yukon. She was on call and received the call from the Lead Investigator to attend the Health Centre on this matter. She has received training specific to sexualized assault matters, as well as interviewing patients.

[33] When interviewing the patient about why they are seeking assistance, she uses shorthand to record contemporaneously in a notebook. Once completed, she then writes out the contents of the disclosure in her file notes when she finds time to do so. She wrote the file notes from her notebook notes starting at 5:50 a.m. on October 3, 2024. She acknowledged that the notes are relied on by other medical practitioners and that she takes care to ensure that they are accurate.

[34] The Registered Nurse sent the Complainant home after the initial one and one-half hours at the Health Centre so that she could rest and await the medivac to Whitehorse.

[35] She also dealt with the Complainant on her second visit to the Health Centre when accompanied by C. She observed C. to be intoxicated, but supportive of the Complainant and polite with nursing staff. He was agitated, and at one point threatened to burn Mr. Buyck's house down.

[36] The Complainant was medevacked at approximately 12:45 p.m.

Evidence of Mr. Buyck

[37] Mr. Buyck admitted to having been a bootlegger, although he testified that he slowed down and was trying to stop around October 2024. He did not have any alcohol to sell on October 3, 2024, but had an open bottle of vodka that he was drinking, and which was about three quarters full.

[38] He received five calls from the Complainant starting at about 1:00 a.m. and he spoke with her briefly each time, advising that he did not have any alcohol for sale. He eventually told her to stop calling and that he was going to bed. He heard the phone ring several times after that but did not answer it.

[39] At about 3:37 a.m., Mr. Buyck got out of bed to put wood on the fire and there was banging on the door. He let the Complainant and E. in, and they sat at the kitchen table. His bottle of vodka was on the floor beside him, and he did not offer any to them. The Complainant was asking to buy alcohol, and he said he did not have any.

[40] The Complainant then said, “I will do you for a bottle”, which he understood to mean she would have sex with him in exchange for a bottle of vodka. E. indicated he did not want to be involved, and the Complainant told him to go outside, which he did. She then grabbed him by the arm stating “ok, lets get this over with” and they went to the bedroom. In the bedroom the Complainant pulled her pants down to her ankles and bent over the bed for him to penetrate her from behind.

[41] Mr. Buyck indicated that he is old and has difficulty getting an erection. He was not fully erect, attempted to penetrate the Complainant, but is unsure if he did. He finally gave up and she pulled her pants back up. They went to the kitchen where he had one more “shot” from the open bottle of vodka, then he gave her the bottle and she left.

[42] Mr. Buyck went back to bed and awoke the next morning to C. banging on his door. By the time he got up and answered the door, C. was in a truck that was just backing away. He yelled out to them asking what they wanted, and C. yelled “you raped my wife”. He was confused and asked, “which wife”. He explained that C. was legally married to the Complainant for years, but that the Complainant has been with A. in a relationship since very shortly after the marriage took place.

[43] C. then ran at him, so Mr. Buyck closed and locked the door. C. banged on the outside of the house and broke the door window, before finally leaving. He indicated he was scared and stayed in the locked house that day. He did call the police, but they did not attend until later in the day when he was arrested.

[44] When he was at the RCMP station he gave a statement and denied “raping” the Complainant. He was released and went home, where he remained until about

10:00 p.m. when he noticed flames outside. His four-wheeler was on fire and he rushed to put the fire out. When the fire was extinguished, he called the police. He did not see who started the fire.

[45] He acknowledged that the version of events he testified to were not provided to the RCMP in his first statement.

[46] Mr. Buyck contacted the RCMP on his own initiative on October 5 and provided a follow-up statement to tell the Lead Investigator what happened. He testified “I told him, I want to say my side of the story, what happened and tell the truth”.

[47] The difference in the two statements, he said, was that he did not really say anything in the first statement except saying “no” when asked “did you rape her”. Despite this, he clarified that the first statement was the “whole truth”, but he did not say everything.

Standard of Proof

[48] In any *Criminal Code* trial, the Crown is required to prove the offences against an accused person beyond a reasonable doubt. The principle of innocent until proven guilty and the standard of proof beyond a reasonable doubt is set out in *R. v. Nyznik*, 2017 ONSC 4392 at paras. 5 to 7:

5 The presumption of innocence, and along with it the standard of proof beyond a reasonable doubt, are important safeguards to ensure that no innocent person is convicted of an offence and deprived of his liberty. Without these protections, there would be a serious risk of wrongful convictions -- an outcome that cannot be accepted in a free and democratic society.

6 The concept of proof beyond a reasonable doubt is not an easy one to define. It is clearly more rigorous than the balance of probabilities standard applied in civil cases. The balance of probabilities requires the party bearing the onus to establish that the proposition they advance is "more likely than not" -- *i.e.* better than 50/50. In its landmark 1997 decision in *R. v. Lifchus*, the Supreme Court of Canada held that the following definition would be an appropriate instruction for a criminal jury:

[...]

A reasonable doubt is not an imaginary or frivolous doubt. It must not be based upon sympathy or prejudice. Rather, it is based on reason and common sense. It is logically derived from the evidence or absence of evidence.

Even if you believe the accused is probably guilty or likely guilty, that is not sufficient. In those circumstances you must give the benefit of the doubt to the accused and acquit because the Crown has failed to satisfy you of the guilt of the accused beyond a reasonable doubt.

On the other hand you must remember that it is virtually impossible to prove anything to an absolute certainty and the Crown is not required to do so. Such a standard of proof is impossibly high.

In short if, based upon the evidence before the court, you are sure that the accused committed the offence you should convict since this demonstrates that you are satisfied of his guilt beyond a reasonable doubt.

7 This instruction, with very little modification, is now the standard instruction on reasonable doubt given to criminal juries throughout Canada. The same standard is applied by judges sitting without a jury on criminal trials. The bottom line is that probable or likely guilt is insufficient. If all I can say is that the defendants in this case are likely guilty, I must acquit. It would not be safe to convict someone of a criminal offence with only that degree of confidence. Before I can find the defendants guilty, I must be sure that they committed the offence charged.

Weighing the Evidence

[49] In order to apply these legal principles, an assessment of the evidence before the Court is required. That is, I must determine what evidence, if any, from each witness

presented by both the Crown and defence, I accept. This requires an assessment of the credibility and reliability of the witnesses.

[50] Reliability relates to the witness's ability to observe, to recall, and to recount the events testified to. Reliability will be impacted by faulty observations or perception, impairment, imperfect recall and a limited ability to communicate the observations.

[51] Credibility related to the witness's sincerity, or willingness to speak the truth as they believe it to be, whether the evidence is corroborated or contradicted, the inherent plausibility, the consistency over time, the witnesses' interest in the outcome of trial, and motive to lie.

Cross-Examination of Mr. Buyck

[52] In cross-examination, Mr. Buyck was very evasive about his bootlegging and when he stopped the activity. He indicated that he did not really know the Complainant and when asked if he ever sold alcohol to her, he instead answered about refusing to sell to A. and being beaten up by him.

[53] He stated that E. was a good friend who he would drink with at times. When asked if he ever sold to E., he answered "not for a long time". He assessed E. on the evening as having consumed some alcohol but not intoxicated. E. knew at the time he came to his house on October 3, 2024, that he was not selling alcohol.

[54] According to Mr. Buyck, despite telling the Complainant over the phone five times he did not have any alcohol, and his good friend E. also knowing he no longer sold alcohol, they came to his residence anyway asking to buy alcohol. He indicated that

when they arrived, they wanted to “charge up” a bottle, meaning to receive a bottle on credit, but he again said he did not have any. Despite this, according to him, the Complainant offered him sex for a bottle, and he accepted. I find this to be implausible.

[55] He indicated that the intercourse was brief, stating it lasted “a couple of minutes”. This is a direct contradiction of his statement in direct examination that he is not sure if he even penetrated her.

[56] At the detachment after he was first arrested, he explained the failure to tell the RCMP about what happened being a result of being scared and that he wanted to talk to a lawyer. He was evasive in his response to declining the opportunity to do so when given by the Lead Investigator. He then stated he wanted to discuss it with someone with experience, and not necessarily a lawyer. I find that he was dishonest to the Court as he attempted to explain the inconsistency.

[57] In the statement he provided to the Lead Investigator after his arrest, there was an exchange that included:

Q: Why would [the Complainant] report that you sexually assaulted her.

A: I don't know but I have no idea, I would not assault her.

[58] This was followed by:

Q: So, what you're saying is you didn't have sexual intercourse with [the Complainant]?

A: No.

[59] This exchange represents a direct contradiction from his statement in direct examination that he told the Lead Investigator the “whole truth” in the first statement.

[60] I found Mr. Buyck to be evasive and unwilling to tell the truth, particularly in the areas set out above. I also find his version of events, particularly given his insistence that he was not selling alcohol at the time, to be implausible.

[61] Overall, I find that Mr. Buyck lacked credibility, and I do not accept his version of events.

Cross-Examination of the Complainant

[62] The Complainant was cross-examined at length by counsel for Mr. Buyck, including in relation to differences between her testimony at trial and her statements to the Lead Investigator and to the Registered Nurse.

[63] The file notes recorded by the Registered Nurse indicate that the Complainant advised her that when E. received the vodka from Mr. Buyck, he left to go home. Following E.’s departure, she recorded the Complainant as stating that Mr. Buyck grabbed from where she was seated on the couch and proceeded to drag her into the bedroom. Why E. left the residence and where the Complainant was seated in the residence are two inconsistencies with her testimony at trial.

[64] I am mindful however that the statement to the nurse was not recorded, and that the circumstances of E. leaving the residence and the placement of the Complainant in the residence before the assault are not important for medical treatment. The nurse was not questioned specifically on these points to determine if they were treated as collateral

or recorded with care, further diminishing the weight I can place on them. Additionally, during this time the Lead Investigator considered the Complainant to be too intoxicated to give a statement. Overall, I do not find these inconsistencies to be significant in assessing the evidence of the Complainant.

[65] There were inconsistencies between the recorded statements the Complainant gave to the Lead Investigator and her testimony at trial. These include:

1. She testified in direct examination that she purchased alcohol from Mr. Buyck five times in the past, but in her statement she told the Lead Investigator that she had only purchased alcohol from him one previous time. When confronted on this at trial, she said that she told the Lead Officer that because she does not get along with him, to avoid starting “another incident”, and to focus on what happened to her.
2. She testified that she did not call Mr. Buyck from her phone prior to attending his residence with E. The nine calls from her cell phone to Mr. Buyck were put to her and her response was that it was not her as she does not use the cell phone to make calls. She further stated, “you can’t prove it by me”. During her October 5 statement to the Lead Investigator, she said “there’s no freaking way I would do that, he freaking offered it when I phoned him before that.” In response to this questioning, she did not recall saying that to the officer.

3. She testified that E was at her house for about 15 minutes before they walked to Mr. Buyck's house. Going there was E.'s idea and she was accompanying him in order to share in the vodka. The calls from her cell phone to Mr. Buyck were over approximately two hours, not the 15 minutes from E. arriving at her house to departing together on foot. She did not have a response for this aside from the calls not being from her. However, in her statement to the Lead Investigator she said "he offered it when I phoned him" referring to Mr. Buyck. When showed to her, she did not recall saying that and insisted that they showed up unannounced.
4. In direct examination she testified that Mr. Buyck gave E. a bottle of vodka. In her statement to RCMP on October 5, when asked why E. left, she said that Mr. Buyck gave E. a bottle of red wine, not vodka. Her response to being shown this was that it was a traumatic event and she was intoxicated when she gave the statement.
5. In her statement to the Lead Investigator, she said that Mr. Buyck gave E. the bottle and "made E. leave", and further that E. left because "he gave uncle a bottle of wine, so he just walked out the door". These answers are inconsistent with her testimony that E. went outside to urinate.
6. In her statement to the Lead Investigator she said that Mr. Buyck started the sexual assault from the front, facing her, then flipped her

over and finished from behind. This is inconsistent with her testimony of the events in direct examination. When shown the inconsistency she said she gave the statement when she got back from Whitehorse and she was intoxicated.

7. In her statement to the Lead Investigator, she also stated that Mr. Buyck penetrated her vaginally from the back. In her direct examination she testified that when he penetrated her from the back, it was “not vaginally”.

[66] In addition to the inconsistencies with her statement to the Lead Investigator, the Complainant was not truthful when testifying under oath about whether or not there were other bootleggers in Mayo aside from Mr. Buyck. When asked about this, she stated that she did not know of any other bootleggers in Mayo. However, during questioning in cross-examination she referenced other bootleggers. Her response to being challenged on this was that they, being other bootleggers, were not part of this case and that she was not lying, just “holding back”. This example shows that the Complainant was willing to tell mistruths while under oath which, regardless of her explanation for doing so, is very concerning. Testifying under oath and promising to tell the truth is very important to the trial process and failing to do so is taken seriously.

[67] By the Complainant’s own admission, she was drinking on the evening of the offence and drinking prior to giving her statement to the Lead Investigator on October 5, 2024, despite being asked not to. Her assessment of her own sobriety on the date of the offence is inconsistent with the observations of the Lead Investigator who

determined she was too intoxicated to give a statement. His assessment of her level of intoxication when giving the statement is also inconsistent with her explanation that the inconsistencies put to her in the statement were due to intoxication.

[68] Intoxication has an impact on a person's ability to recall events, and there are significant concerns with the Complainant's reliability given the extent and nature of the inconsistencies between her reporting to the RCMP and her testimony at trial. She also raised concerns about her credibility when she misstated under oath her knowledge of bootleggers in the community. As a result, I am left with concerns about her credibility and reliability.

Approach When an Accused Testifies

[69] I am mindful that this case is not a credibility contest between Mr. Buyck and the Complainant. Mr. Buyck testified on his own behalf at trial and that requires me to apply the three-step procedure as set out by the Supreme Court of Canada in *R. v. W.(D.)*

[1991] 1 S.C.R. 742, which states:

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.

[70] Given my concerns with the evidence of Mr. Buyck, I do not believe his testimony, nor does his testimony leave me with a reasonable doubt.

[71] This brings me to the third step of the analysis and whether on the evidence I do accept, am I convinced beyond a reasonable doubt that Mr. Buyck committed the offences before the Court. Both the Complainant and Mr. Buyck testified to a sexual act committed by Mr. Buyck on the Complainant. The only issue before me is whether I accept the evidence of the Complainant regarding the lack of consent to the sexual act and the use of force in dragging her into the bedroom and holding her down during the sexual act.

[72] As I have stated, there are concerns with the credibility and reliability of the Complainant. Her inconsistent recall of the events, including the specifics regarding the sexual assault itself and whether it started from behind while she was face down, or from the front while she was face up, and whether or not there was vaginal penetration only, or vaginal and anal penetration, are not minor. These, combined with the other inconsistencies between her statement and her testimony, and the noted mistruth during her testimony, do not satisfy me that she has an accurate recall of the events.

[73] The Supreme Court of Canada in *Lifchus* set out a high standard for proof beyond a reasonable doubt requiring that I be sure that Mr. Buyck committed the offences charged. There is no evidence before the Court led by the Crown to corroborate the Complainant's evidence. Left only with her evidence, I am not satisfied

beyond a reasonable doubt that Mr. Buyck unlawfully confined the Complainant and sexually assaulted her.

[74] I find Mr. Buyck not guilty on both Counts.

PHELPS C.J.T.C.