

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Skinkle, 2026 ONCA 402

DATE: 20260608

DOCKET: COA-24-CR-0581

George, Monahan and Pomerance JJ.A.

BETWEEN

His Majesty the King

Respondent

and

Randy Skinkle

Appellant

Randy Skinkle, acting in person

Kevin Pitt, for the respondent

Heard and rendered orally: June 4, 2026

On appeal from the conviction entered by Justice Richard T. Knott of the Ontario Court of Justice, on January 24, 2024, and from the sentence imposed on May 9, 2024.

REASONS FOR DECISION

[1] The appellant was convicted of one count of breach probation, arising out of a voicemail message that he left for his estranged spouse, the complainant. The two were married for many years, in what appears to have been a turbulent relationship.

[2] At the time of the incident, the appellant was bound by a probation order not to communicate with the complainant. The complainant received a voicemail message on her home answering machine, which she believed to have been left by the appellant. That message was played in court.

[3] The complainant testified that the voice on the message was that of the appellant. His son also testified that the voice matched the appellant's voice.

[4] The appellant testified and denied leaving the message. He testified that the voice on the recording was that of his son, who sounded like him. The appellant also called a friend to testify on his behalf.

[5] The trial judge correctly applied the principles in *R. v. W.(D)*, [1991] 1 S.C.R. 742. He found that neither the testimony of the appellant, nor the testimony of his friend raised a reasonable doubt. It was open to the trial judge to accept the testimony of the complainant and the appellant's son that the voice on the call was that of the appellant. We see no error warranting appellate intervention.

[6] The appellant seeks to introduce fresh evidence in the form of a police interview in an unrelated case. He submits that this material demonstrates a police conspiracy against him. We see no connection between this material and the appellant's conviction for breach of probation, which was based on the recording introduced in court. This material does not meet the test for fresh evidence and

accordingly the motion to admit the evidence is denied: *Palmer v. The Queen*,
[1980] 1 S.C.R. 759.

[7] For these reasons, the appeal is dismissed.

“J. George J.A.”

“P.J. Monahan J.A.”

“R. Pomerance J.A.”