

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Dow*, 2013 NSCA 111

Date: 20131011

Docket: CAC 414277

Registry: Halifax

Between:

Scott Vincent Dow

Appellant

v.

Her Majesty the Queen

Respondent

Restriction on Publication: s. 486.4 of the *Criminal Code*

Judge: Bryson, J.A.

Appeal Heard: October 1, 2013, in Halifax, Nova Scotia

Subject: **Criminal law. Reasonable verdict. Credibility. Sentencing.**

Summary: Accused convicted of committing an indecent act and inviting a young person to touch him for a sexual purpose, (*Criminal Code* s. 173(1)(a) and s. 152). Accused alleged errors by trial judge in assessing credibility, weighing the evidence, failing to treat evidence as “exculpatory” and rendering an unfit sentence (five months’ incarceration).

Result: Appeal dismissed. Trial judge did not err in her analysis of credibility. She did not accept accused’s evidence and was left in no doubt by it. She was satisfied of accused’s guilt on basis of all the evidence. She considered and weighed the evidence appropriately. She simply did not accept the accused’s view of the evidence. She did not err in law nor make any palpable and overriding error of fact. She considered appropriate principles of sentencing. There was

no basis for the Court of Appeal to interfere.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 5 pages.