

**CASE NO.**

**VOLUME**

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Cite as: R. v. C.G.S., 1997 NSCA 200

C. G. S.

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

C.A.C. No. 134404

Halifax, N.S.

FREEMAN, J.A.

**Editorial Notice**

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**APPEAL HEARD:**

November 28, 1997

**JUDGMENT DELIVERED:**

December 16, 1997

**SUBJECT:**

**Criminal Law, sexual assault s. 27(1)(a), threatening s. 264(1)(a) Criminal Code; sentence.**

**SUMMARY:**

At trial, the 32-year-old appellant denied a sexual incident with a 14-year-old boy who was temporarily staying with him; the trial judge accepted the boy's evidence that the incident occurred and found that while the boy had initially consented, he had withdrawn consent. On appeal the appellant submitted that the incident had occurred with the boy's consent. The appellant was sentenced to nine months imprisonment, which reflected credit for time spent on remand pending sentencing; during the same ten-month period he served a sentence for a conviction which was later overturned.

**ISSUES:**

Was the sexual incident consensual; was there a threat; was the sentence fit?

**RESULTS:**

Appeal allowed on the sexual assault conviction, dismissed as to the threat conviction and as to sentence.

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