

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. J.P.M., 2003 NSSC 193

Date: 20031006

Docket: S.PH. No. 189952

Registry: Port Hood

Between:

J. P. M.

Appellant

v.

The Queen

Respondent

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Judge: The Honourable Justice Frank Edwards

Heard: June 26, 2003, 2003 in Arichat

Written Decision: October 6, 2003

Subject: Criminal law

Facts: The Appellant had been convicted on one count of sexual assault regarding the 16 year-old Complainant.

Issues:

1. Appropriate use of prior consistent statements;
2. Whether the trial judge misapprehended the evidence;
3. Whether the trial judge subjected the evidence of a minor to a lower level of scrutiny for reliability than that of an adult; and
4. Whether the trial judge erred in his application of the W(D) principle.

Result: The appeal was dismissed.

Cases cited: R. v. F.(J.E.) (1993), 85 C.C.C. (3d) 457 (Ont. C.A.); R. v. O.B., [1995] N.S.J. No. 499; R. v. Miller [1999] NSJ No. 17 (N.S.C.A.); R. v. Stewart, [1994] O.J. No. 811 (Ont. C.A.); R. v. Stewart [1994] O.J. No. 811 (Ont. C.A.); R. v. W.(D), [1991] 1 S.C.R. 742 (S.C.C.); R. v. Mah (2002) 207 N.S.R. (2d) 262

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