

IN THE COURT OF APPEAL OF THE NORTHWEST TERRITORIES

THE COURT:

THE HONOURABLE JUSTICE V.A. SCHULER
THE HONOURABLE MR. JUSTICE P.T. COSTIGAN
THE HONOURABLE MR. JUSTICE K.G. RITTER

BETWEEN:

RIAD ABOUCHAMI

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

APPEAL FROM CONVICTION BY
JUDGE AND JURY

UNANIMOUS DECISION
DELIVERED ORALLY FROM THE BENCH

Counsel for the Appellant: Michael Epstein
Counsel for the Respondent: Sadie Bond

COSTIGAN J.A. (for the Court):

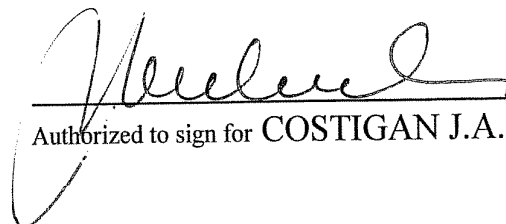
[1] The appellant appeals from conviction by Judge and Jury on a charge of sexual assault. The core issue at trial was credibility. The appellant advances a number of grounds relating to the inadmissibility of certain evidence, the judge's instructions to the jury, and the judge's answers to some questions posed by the jury.

[2] At the trial, counsel for the appellant voiced no objection to the admissibility of the evidence or to the judge's charge and answers to the jury.

[3] Considering the totality of the evidence and the charge, in light of the failure to object, we are not satisfied that the trial judge made an error that would ground Appellate intervention with the jury's verdict. Accordingly, the appeal is dismissed.

APPEAL HEARD October 8, 2002

MEMORANDUM FILED at Yellowknife, NT,
this 19th day of November 2002


Authorized to sign for COSTIGAN J.A.

A-1-AP 2002 00002

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MEMORANDUM OF DECISION

