

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Brown*, 2005 NSCA 56

**Date:** 20050401

**Docket:** CAC 227301

**Registry:** Halifax

**Between:**

Oluwa Seagun Brown

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Thomas Cromwell

**Appeal Heard:** March 21, 2005

**Subject:** **Appeal from conviction – credibility – effective assistance of counsel**

**Summary:** The appellant was convicted of assault, assault with a weapon, threatening death and breach of recognizance. The trial judge accepted the alleged victim's evidence that the appellant had dragged her by the hair, kicked and hit her and then got a hammer and hit her on the head, although not with full blows. The judge also accepted that while holding the hammer over the alleged victim's head, he stated that he would smash her. The appellant appealed his convictions.

**Issues:**

1. Did the judge err in accepting the alleged victim's evidence or misapprehend the evidence?
2. Was the appellant deprived of the effective assistance of

counsel?

**Result:** Appeal dismissed. Having regard to the standard of appellate review, there was no basis to interfere on appeal with the judge's assessment of credibility. The judge did not materially misapprehend the evidence. There was no basis for the appellant's claim that he had not received effective assistance from his counsel at trial.

**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.**