

<u>CASE NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
L.R.L. (Appellant)	- and -	HER MAJESTY THE QUEEN (Respondent)
C.A.C. No. 157168	Halifax, N.S.	Glube, C.J.N.S.

[Cite as: R. v. L.R.L., 2000 NSCA 94]

Editorial Notice

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APPEAL HEARD: May 23, 2000

JUDGMENT DELIVERED: August 17, 2000

SUBJECT: **CRIMINAL LAW - Sexual assaults and sexual touching**

SUMMARY: The appellant appeals from his convictions on seven counts involving five young males. Accused, a member of the armed forces, made friends with young boys starting around ages 11 to 15, and was convicted of sexual charges including masturbation and oral sex.

RESULT: Appeal allowed and new trial ordered on one count where wrong law used to convict. As a result, the total sentence of 36 months is reduced by the 6 months he was sentenced on that count.

Appeal dismissed on other counts.

The law is examined relating to credibility of witnesses, alleged failure to judicially consider the evidence and the issue of failure to provide adequate reasons. Law on position of trust and s. 153 reviewed.

The trial judge wrongly applied 273.1(2)(c) to a count when the section was not yet in force.

R. v. Bevan, [1993] 2 S.C.R. 599 applied. Consent in issue. "Exercise of authority" (s. 265(3)(d)) is not the same as "position of trust" (2. 273.1(2)(c)).

Review of the application of similar fact evidence as it relates to credibility.

This information sheet does not form part of the Court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 40 pages.