

NOVA SCOTIA COURT OF APPEAL

Jones, Hallett and Roscoe, JJ.A.

Cite as: R. v. J.M.H., 1993 NSCA 93

**BETWEEN:**

|                       |   |                        |   |                     |
|-----------------------|---|------------------------|---|---------------------|
| J. M. H.              | ) | the appellant appeared | ) | in person           |
|                       |   |                        | ) |                     |
| - and -               | ) |                        | ) | Dana Giovannetti    |
|                       |   |                        | ) | for the Respondent  |
| HER MAJESTY THE QUEEN | ) |                        | ) |                     |
|                       | ) | Respondent             | ) | Appeal Heard:       |
|                       | ) |                        | ) | April 1, 1993       |
|                       | ) |                        | ) |                     |
|                       | ) |                        | ) | Judgment Delivered: |
|                       | ) |                        | ) | April 1, 1993       |
|                       | ) |                        | ) |                     |

Editorial Notice

Identifying information has been removed from this electronic version of the judgment.

**THE COURT:** Appeal dismissed per oral reasons for judgment of Jones, J.A.; Hallett and Roscoe, JJ.A. concurring.

The reasons for judgment of the court were delivered orally by:

JONES, J.A.:

This is an appeal by the appellant from his conviction on a charge of sexual assault. The appellant was convicted in the County Court after a trial and sentenced to a term

of 14 months. The substance of the appeal is that the verdict was unreasonable. In his argument the appellant has pointed to a number of inconsistencies in the evidence. There was a conflict in the evidence. In a carefully considered judgment Judge Bateman accepted the evidence of the complainant. She rejected evidence called by the defence. The issue was primarily a matter of credibility. Having resolved that issue there was ample evidence to support the verdict and it cannot be said that the verdict was unreasonable. The appeal is dismissed.

J.A.

Concurred in:

Hallett, J.A.

Roscoe, J.A.