

NOVA SCOTIA COURT OF APPEAL

Cite as: R. v. Pittman, 1997 NSCA 52
Chipman, Jones and Pugsley, JJ.A.

BETWEEN:

HER MAJESTY THE QUEEN

Appellant

Stephanie Cleary
for the Appellant

- and -

CHRISTOPER STEVEN PITTMAN
and SUSAN PATRICIA LORRAINE BYERS

Respondents

Ann Copeland
for the Respondents

Appeal Heard:
February 13, 1997

Judgment Delivered:
February 13, 1997

THE COURT:

The appeal is dismissed as per oral reasons for judgment of Chipman, J.A.; Jones and Pugsley, JJ.A., concurring.

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

CHIPMAN, J.A.:

This is an appeal by the Crown from an acquittal in Provincial Court of the respondents on a charge of robbery. The trial judge entered a conviction against them for

common assault. The only issue is whether she erred in entertaining a reasonable doubt as to their intention to steal from the complainant, Currie.

In acquitting the respondents of robbery, the trial judge said:

In the present case, Mr. Pittman's statement taken together with Mr. Currie's apparent lack of candour, regarding his initial contact with Miss Byers and Mr. Pittman, leave me with a reasonable doubt on the element of intent . . .

Clearly as to Pittman, his statement entered by the Crown in evidence is admissible and the Crown has shown no error on the part of the trial judge in acquitting him.

While Pittman's statement is not admissible in favour of Byers, we are unable to say that the trial judge did not, in entertaining a reasonable doubt, do so on the basis of her opinion as to the lack of candour on the part of Currie.

The appeal is dismissed.

Chipman, J.A.

Concurred in:

Jones, J.A.

Pugsley, J.A.