

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. G.C.C.*, 2004 NSCA 128

Date: 20041022

Docket: CAC 211018

Registry: Halifax

Between:

G.C.C.

Appellant

v.

Her Majesty the Queen

Respondent

JUDGE: Cromwell, J.A.

APPEAL HEARD: October 12, 2004

JUDGMENT DELIVERED: October 22, 2004

SUBJECT: Sexual assault - Sworn evidence of children - Reasonableness of verdict

SUMMARY: The appellant was convicted of one count of sexual assault arising out of a series of unwanted touchings of a fellow student. He appealed, submitting that the trial judge had erred by permitting two 13 year old witnesses to give sworn evidence , by misapplying the burden of proof and by reaching an unreasonable verdict.

- ISSUES:**
1. Did the judge err in permitting the 13 year old children to give sworn evidence?
 2. Did the judge misapply the burden of proof?
 3. Was the verdict reasonable?

RESULT: Appeal dismissed. The judge correctly applied the law as set out in **R. v. Bannerman** (1966), 48 C.R. 110 (Man. C.A.), aff'd [1966] S.C.R. v and **R. v. Leonard** (1990), 54 C.C.C. (3d) 225 (Ont. C.A.) in relation to the sworn testimony of the children. The conviction was justified on the basis of the appellant's own evidence 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 3 pages.