

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Martin*, 2007 NSCA 121

Date: 20071211

Docket: CAC 280396

Registry: Halifax

Between:

Dean Victor Martin

Appellant

v.

Her Majesty The Queen

Respondent

Judge: Honourable Justice Linda Lee Oland

Appeal Heard: November 29, 2007

Subject: *Eyewitness identification – Unreasonable verdict – s. 686(1)(a)(i) Criminal Code of Canada*

Summary: The sole issue at the trial of the appellant, charged with armed robbery, kidnapping and possession of a weapon for a dangerous purpose, was identification. The testimony at trial included eyewitness identification evidence by three persons. The trial judge found that the appellant was the person who committed the offences.

Issue: Whether the verdicts were unreasonable within the meaning of s. 686(1)(a)(i) of the *Criminal Code*.

Result: Appeal dismissed. The trial judge, who had cautioned himself regarding the dangers of eyewitness identification, carefully considered and weighed the evidence before him, including certain aspects and discrepancies which gave him concern. He did not ultimately rely upon the sheer number of eyewitnesses to convict. His finding that the appellant was the person who committed the offences was not an unreasonable verdict under s. 686(1)(a)(i).

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 7 pages.