

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** R. v. W.J.T., 2003 NSCA 107

**Date:** 20021014

**Docket:** CA186193

**Registry:** Halifax

**Between:**

W. J. T.

Appellant

v.

Her Majesty The Queen

Respondent

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**Judge:** Roscoe, J.A.

**Appeal Heard:** October 6, 2003

**Subject:** Criminal Law, jury instruction, similar fact evidence, curative provision

**Summary:** The appellant was found guilty by a jury of five counts of assaulting his children with weapons. It was conceded by the Crown on appeal, that the trial judge erred by not instructing the jury on the issue of similar fact evidence.

**Issue:** Whether the error was harmless?

**Result:** Appeal allowed. New trial ordered. The Crown did not meet the burden of demonstrating that the curative provision should be applied.

**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.**