

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. Abourached, 2007 NSCA 109

Date: 20071121

Docket: CAC 280889

Registry: Halifax

Between:

Nader Abourached

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Justice Fichaud

Appeal Heard: October 15, 2007

Subject: ***W.(D.) instructions - reasonableness of verdict - sufficiency of reasons***

Summary: Trial judge convicted appellant of obstructing justice and assault (for August 25) and acquitted of assault (for August 28). Appellant appealed the two convictions.

Issue: Did the trial judge offend the *W.(D.)* criteria? Were the convictions unreasonable? Were the trial judge's reasons insufficient under *Sheppard*?

Result: Trial judge complied with *W.(D.)*. The obstruction conviction was not unreasonable. Respecting the assault conviction, the trial judge's reasons were insufficient to allow the Court of Appeal to assess whether the August 25 conviction was unreasonable as being inconsistent with the trial judge's reasons for acquitting on the August 28 assault count. The Court of Appeal ordered that the August 25 assault conviction be set aside and that the Crown may initiate a new trial on that charge. The Court of Appeal dismissed the other grounds of appeal.

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 22 pages.

