

Date: 19980513

Docket: CAC 140255

NOVA SCOTIA COURT OF APPEAL
Cite as: R. v. LeBlanc, 1998 NSCA 146

Roscoe, Hallett and Pugsley, JJ.A.

BETWEEN:

ROBERT MICHEL LEBLANC

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

)
)
) Appellant appeared
) in person
)

)
)
) Kenneth W.F. Fiske, Q.C.
) for the Respondent
)

)
)
) Appeal Heard:
) May 13, 1998
)

)
)
) Judgment Delivered:
) May 13, 1998
)

THE COURT:

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

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

ROSCOE, J.A.:

This is an appeal from a decision of Judge John Nichols of the Provincial Court who entered convictions against the appellant on three charges of assault causing bodily harm, theft of an automobile and uttering a threat. The trial judge acquitted the appellant of a further assault charge.

The sole ground of appeal is whether the appellant had the benefit of the effective assistance of counsel at the trial.

The trial judge resolved the issue of credibility between the appellant and Mr. Comeau, the complainant, by saying “. . . the Court accepts the evidence of Paul Denis Comeau.”

We have reviewed the record and do not find that the appellant’s counsel failed to represent him properly. The appellant has not met the burden of showing either that there was a lack of competence on the part of defence counsel, or that there is a reasonable probability that, but for counsel's errors, the result of the trial would have been different. (See **R. v. Sarson** (1992), 115 N.S.R. (2d) 445, par.21).

The appeal is therefore dismissed.

Roscoe, J.A.

Concurred in:

Hallett, J.A.

Pugsley, J.A.