

CASE NO.**VOL. NO.****PAGE**

C.A.L. (Young Offender)

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

C.A.C. 153873

Halifax, N.S.

FREEMAN, J.A.

[Cite as: R. v. C.A.L., 1999 NSCA 157]

APPEAL HEARD:

December 2, 1999

JUDGMENT DELIVERED:

December 13, 1999

SUBJECT:**CRIMINAL LAW; Sexual assault, Ss. 271(1)(a), 273(e) C.C.****SUMMARY:**

The complainant withdrew her consent and repeatedly demanded that the appellant stop after intercourse was under way. He complied after a number of requests. He denied being told to stop. The trial judge accepted the evidence of the complainant and rejected that of the appellant when they were in conflict as to "crucial elements"

ISSUES:

Was the verdict perverse and unreasonable? Should the trial judge have considered honest belief in consent?

RESULT:

The appeal was dismissed. Despite inconsistencies in the complainant's evidence on direct and cross-examination and two statements to police, there was evidence in support of the verdict. Rejection of the appellant's evidence removed the evidentiary basis for the defence of honest belief in consent.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 4 pages.</p>
