

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

ROBERT ARMSTRONG

- and -

HER MAJESTY THE QUEEN

(Appellant)

(Respondent)

CAC 170343

Halifax, N.S.

Freeman, J.A. (Orally)

[Cite as: **R. v. Armstrong, 2002 NSCA 10**]

**APPEAL HEARD:**

January 17, 2002

**JUDGMENT DELIVERED:**

January 17, 2002

**WRITTEN RELEASE OF ORAL:**

January 18, 2002

**SUBJECT:** Criminal Law, Conviction Appeal, Break, Enter and Theft, Section 348; Identification.

**SUMMARY:** The appellant was convicted on two charges of break, enter and theft after two houses, back to back on parallel streets, were burgled during daylight hours. A man was seen twice leaving an alley giving access to the houses carrying items similar to those described as stolen. On one of these occasions he passed an acquaintance who claimed to have known him for four or five years and to have seen him four or five times a week. The appellant greeted him by name. This was the key identification evidence.

**ISSUE:** Was the identification evidence sufficient to support a conviction?

**RESULT:** The appeal was dismissed. Applying **R. v. Yebes** (1987), 36 C.C.C. (3d) 417 and **R. v. Burns**, [1994] 1 S.C.R. 656 at p. 663, the trial judge could reasonably have reached a verdict of guilty on the evidence before him.

**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.**