

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. F.L.*, 2011 NSCA 91

Date: 20110929

Docket: CAC 348207

Registry: Halifax

Between:

F.L.

Appellant

v.

Her Majesty the Queen

Respondent

Publication Ban: pursuant to s. 486.4(1) of the Criminal Code

Judge: The Honourable Mr. Justice Jamie W.S. Saunders

Appeal Heard: September 27, 2011

Subject: **Validity of a Guilty Plea. Sexual Assault. Credibility.
Evaluation of the Evidence. Miscarriage of Justice.**

Summary: An appeal from a trial judge's refusal to permit the appellant to withdraw his guilty plea to having sexually assaulted his son.

Held: No error in the judge's recitation or treatment of the evidence, his application of the law to the evidence, his analysis, or his conclusion. Based on the record, it was certainly open to the judge to conclude that the appellant's "explanations" were not credible and that he had failed to satisfy the heavy burden of demonstrating that when he entered his plea he failed to fully appreciate the allegations which led to the charge of sexual assault. The appellant's credibility was an issue the judge had to decide. He did so with reasons that are clear, cogent and fully supported on the record. No miscarriage of justice. Appeal dismissed.

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 6 pages.