

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Cromwell*, 2016 NSCA 84

**Date:** 20161110

**Docket:** CAC 431387

**Registry:** Halifax

**Between:**

Aidan David Cromwell

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Elizabeth Van den Eynden

**Appeal Heard:** May 16, 2016, in Halifax, Nova Scotia

**Subject:** **Post-offence conduct. Limiting instructions to jury.**

**Summary:** A jury found Mr. Cromwell guilty of second-degree murder. Mr. Cromwell appealed, alleging, among other grounds, that the trial judge erred in his instructions to the jury on post-offence conduct. The Court found the instructions were inadequate and amounted to an error of law. The error could have materially affected the jury's deliberations and could not be saved by the curative *proviso*. This issue is dispositive of the appeal.

**Issues:** Did the trial judge err by failing to provide a proper limiting instruction to the jury on the use of post-offence conduct?

**Result:** Appeal allowed. Conviction set aside and new trial ordered.

*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 12 pages.*