

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. G.E.H.*, 2012 NSCA 69

**Date:** 20120629

**Docket:** CAC 343902

**Registry:** Halifax

**Between:**

G.E.H.

Appellant

v.

Her Majesty The Queen

Respondent

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**Restriction on Publication:** Pursuant to s. 486.4 of the *Criminal Code of Canada*

**Judge:** The Honourable Justice Linda Lee Oland

**Appeal Heard:** February 9, 2012, in Halifax, Nova Scotia

**Subject:** Criminal Law - Credibility - Reasonable Doubt

**Summary:** The appellant testified in his defense against charges of historic sexual assault and assault against his daughter. In denying her allegations, he used certain phrases on many occasions. The judge found the complainant credible and the appellant's evidence not credible, and concluded that the Crown had proved him guilty beyond a reasonable doubt.

**Issue:** Whether the judge erred in his assessment of credibility and reliability of the appellant's evidence such as to err in his application of the criminal standard of proof.

**Result:**

Appeal dismissed. The portion of the judge's decision which allegedly showed that he used the appellant's manner of expression to determine credibility addressed reliability rather than credibility. Nothing in his decision indicates that he erred by determining credibility based on the appellant's phraseology or demeanor. His reasons, in context, reveal the basis for his decision on the whole of the evidence and the judge did not err in his appreciation and application of the test in *R. v. W.(D.)*, [1991] 1 S.C.R. 742.

**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.**