

**CASE NO.****VOLUME****PAGE**

Cite as: R. v. Hurford, 1998 NSCA 187

HER MAJESTY THE QUEEN

CRAIG NEWTON HURFORD

- and -

(Appellant)

(Respondent)

C.A.C. No. 146725

Halifax, N.S.

Bateman, J.A.  
(Orally)

**APPEAL HEARD:**

October 9, 1998

**JUDGMENT DELIVERED:**

October 9, 1998

**WRITTEN RELEASE OF ORAL:**

October 14, 1998

**SUBJECT:**     **Appeal from Summary Conviction Appeal.**

**SUMMARY:**     The respondent was convicted at trial of a sexual assault (**s.271(1)(b)**). He appealed his conviction to the summary conviction appeal court. The summary conviction appeal judge allowed the appeal and ordered a new trial. The Crown appealed to the Court of Appeal.

**ISSUES:**        Did the summary conviction appeal judge apply the proper test in setting aside the verdict.

**RESULT:**        Appeal allowed. Conviction and sentence restored. Summary conviction appeal judge failed to apply the proper test. On an appeal where it is alleged that the verdict is unreasonable, the appeal court judge is not to retry the case but to determine whether the trial judge could reasonably have reached the conclusion that the accused was guilty beyond a reasonable doubt.

**This information sheet does not form part of the Court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 4 pages.**