

NOVA SCOTIA COURT OF APPEAL
Citation: *R. v. Beck-Wentzell*, 2017 NSCA 11

Date: 20170127
Docket: CAC 451443
Registry: Halifax

Between:

Jared Peter Beck-Wentzell

Appellant

v.

Her Majesty the Queen

Respondent

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- Judge:** The Honourable Justice Cindy A. Bourgeois
- Appeal Heard:** November 10, 2016, in Halifax, Nova Scotia
- Subject:** Misapprehension of evidence; Honest but mistaken belief in consent
- Summary:** The appellant was convicted of sexual assault contrary to s. 271 of the *Criminal Code*. The complainant was his common-law spouse. At trial, the complainant alleged the appellant, upon returning home from work, sought to engage in sexual intercourse. She said she was not interested. Despite repeatedly saying “No”, the complainant testified sexual intercourse continued. The appellant testified. He asserted that once the complainant said “No”, all sexual activity ceased.
- The trial judge rejected the appellant’s evidence as lacking credibility.
- Issues:**
- (1) Did the learned trial judge err by misapprehending substantive evidence?
 - (2) Did the learned trial judge err by not considering the defence of honest but mistaken belief in consent?

Result:

Appeal dismissed. The trial judge did not misapprehend material evidence. Nor, based on the evidence advanced, did the trial judge err by not considering the defence of honest but mistaken belief in consent.

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 8 pages.