

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. K.D.S.*, 2017 NSCA 20

Date: 20170301

Docket: CAC 451901

Registry: Halifax

Between:

K.D.S.

Appellant

v.

Her Majesty the Queen

Respondents

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

- Judge:** The Honourable Chief Justice J. Michael MacDonald
- Appeal Heard:** November 23, 2016, in Halifax, Nova Scotia
- Subject:** Criminal law; ineffective counsel; unfair trial process; miscarriage of justice
- Summary:** The Appellant seeks to overturn his sexual assault conviction because of a serious error made by his trial counsel. Specifically, counsel neglected to tender several documents despite being instructed to do so.
- Issues:** Was trial Counsel's error serious enough to cost the appellant a fair trial, thereby leading to a miscarriage of justice?
- Result:** Appeal allowed and new trial ordered. One of the untendered documents would likely have affected the trial judge's credibility assessment. With credibility being a central issue, this led to a miscarriage of justice.

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 16 pages.