

CASE NO.

VOL. NO.

PAGE

A.D.G.

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

CAC164631

Halifax, N.S.

SAUNDERS, J.A.

[Cite as: *R. v. A.D.C.*, 2001 NSCA 28]

APPEAL HEARD:

February 5, 2001

JUDGMENT DELIVERED:

February 9, 2001

SUBJECT:

Assault. Uttering death threats. Self-defence. Credibility. Reasonable doubt. Sections 7 and 11 of the *Charter*. Abuse of process. Miscarriage of justice.

SUMMARY:

A young offender appealed her convictions in Provincial Court on charges of assault and uttering death threats. She alleged the trial judge erred in law by reaching an unreasonable conclusion, unsupported by the evidence. She said her s. 7 and s. 11 **Charter** rights were violated when she was charged by Indictment rather than by summary conviction. She argued that the trial judge had not properly considered the defence evidence, the defence of self-defence, the individual elements of the crimes charged, or the proper test for proof beyond a reasonable doubt in accordance with **R. v. W. D.** [1991], 1 S.C.R. 742.

HELD:

Appeal dismissed. No evidence led to establish any factual basis for “psychological trauma” said to have been suffered by the appellant after Crown chose to proceed against her by Indictment. Such “damage” cannot be imputed. Trial judge is not obliged to “think out loud” or recite formula from **R. v. W.D.** like a mantra. Trial judge was right to reject the defence of self-defence. Ample evidence to support all of trial judge’s findings. No basis for alleged abuse of process or 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 6 pages.