

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Rahman*, 2013 NSCA 139

**Date:** 20131203

**Docket:** CAC 406301

**Registry:** Halifax

**Between:**

Ashiqur Rahman

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice David P.S. Farrar

**Motion Heard:** October 8, 2013

**Subject:** **Criminal Law. Duty of Disclosure. The Crown at the Appellate Level. Section 683(1) of the Criminal Code. Fresh Evidence.**

**Summary:** The appellant, in anticipation of seeking to introduce fresh evidence on appeal, moved for the disclosure of information pertaining to his ex-partner including a video surveillance from the Bank of Montreal and an IWK invoice.

**Issue:** Should the information be disclosed?

**Result:** Motion dismissed.

The appellant failed to give notice to interested third parties of his disclosure request. On that basis alone, the motion could be dismissed. Further, even if proper notice had been given to the interested parties the Court would not have ordered the disclosure of the information. With respect to the video surveillance, the appellant had not satisfied the Court that such information existed and further, he had failed to establish any connection between the request for production and the fresh evidence he proposed to adduce. Nor was it established that there was a reasonable

possibility that the video surveillance would be received as fresh evidence on appeal.

With respect to the IWK invoice, the issues surrounding it were fully canvassed at trial. The Court was not satisfied that it could reasonably be expected that the evidence would be admitted as fresh evidence.

Further, the invoice would not have materially affected the verdict.

**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 9 pages.**