

CASE NO.

Cite as: R. v. G.W.M., 1998 NSCA 231

VOLUME**PAGE**

G.W.M.

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

C.A.C. No. 145389

Halifax, N.S.

Glube, C.J.N.S.

Editorial Notice

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APPEAL HEARD:

November 16, 1998

JUDGMENT DELIVERED:

November 25, 1998

SUBJECT:**Appeal of Conviction and Sentence****SUMMARY:**

On November 18, 1996, the appellant was convicted of sexual touching and sexual assault. The latter charge was stayed. On January 15, 1998, after hearing an application under Part XXIV of the **Code**, he was declared a dangerous offender and given an indeterminate sentence.

ISSUE:

- 1) Was the guilty verdict unreasonable, taking into consideration the issue of credibility and fabrication by witnesses.
- 2) Should fresh evidence be allowed of two adults who were not called at the first trial.
- 3) Sentence appeal.

RESULT:

- 1) The trial judge dealt correctly with credibility and the child witness and accepted his evidence. No basis to overturn that decision.
- 2) No affidavit or any information of the possible witnesses or what they would say. Failed to meet the test set out in **Palmer and Palmer v. The Queen**, [1980] 1 S.C.R. 759.
- 3) Offered no basis nor argument on which the Court could deal with the sentence.

Appeal dismissed.

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 11 pages.