

**IN THE PROVINCIAL COURT**

Cite as: R. v. Arsenault, 2010 NSPC 12

**HER MAJESTY THE QUEEN**

- versus -

**STEVEN JAMES ARSENAULT**

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HEARD BEFORE: The Honourable Judge Del Atwood

PLACE HEARD: Truro, Nova Scotia

DATE HEARD: January 25, 2010

CHARGES: That he, on or about the 25<sup>th</sup> day of July 2009, at or near Truro, in the County of Colchester, Province of Nova Scotia, did in committing an assault on Shane Croteau, cause bodily harm to him, contrary to Section 267(b) of the *Criminal Code*.

COUNSEL: Karen Quigley, Crown Attorney  
David Mahoney, Defence Attorney

CHARGE: 267(b) – Assault causing bodily harm

TOPICS: CRIMINAL LAW–DEFENCES–SELF-DEFENCE–WHEN  
APPLICABLE

CRIMINAL LAW–DEFENCES–SELF-DEFENCE–INTERACTION OF  
SS. 34 AND 37

CRIMINAL LAW–EVIDENCE–CONSCIOUSNESS OF  
GUILT–FLIGHT–WHEN INFERENCE NOT PERMISSIBLE

CRIMINAL LAW–EVIDENCE–CREDIBILITY, ASSESSMENT OF  
CRIMINAL LAW–GENERAL PRINCIPLES–PROOF BEYOND A  
REASONABLE DOUBT

**SUMMARY:** The accused and the complainant were professional wrestlers who became involved in an altercation outside the complainant's place of employment. The accused was charged with assault causing bodily harm. *Held:* The Court found that the accused's assertion of the defence of self-defence pursuant to sub-s. 34(1) of the *Criminal Code* bore an air of reality, and the Court was not satisfied beyond a reasonable doubt that the accused's conduct was not justified. The Court reviewed applicable cases dealing with the assessment of credibility, the application of the defence of self-defence, and the inferences that may be drawn from an accused's departure from the scene of an alleged crime.

*THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.*