

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. D.F.M., 2008 NSSC 312

**Date:** 20080610

**Docket:** CRT 282691

**Registry:** Truro

**Between:**

Her Majesty The Queen

v.

D. F. M.

Defendant

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**Judge:** The Honourable Justice John D. Murphy

**Heard:** May 20, 21, 22, 23, 26, 27, 28, and June 9, 2008 in Truro, Nova Scotia

**Written Decision:** October 27, 2008  
*{Oral decision delivered June 10, 2008}*

**Subject:** Criminal Law; sexual exploitation; sexual assault.

**Summary:** Crown alleged that accused, while in a position of trust as the 14-year old complainant's \* leader, engaged in progressively intrusive sexual conduct over a seven-month period. Complainant was in conflict with her parents, and temporarily resided with accused and his family during part of the relevant time. Accused denied each alleged incident.

**Issues:** Burden of proof, credibility (fact specific analysis).

**Result:** Accused was acquitted. **R. v. W.(D.)** and subsequent authorities applied. When a common sense analysis was applied to the evidence, accused's testimony raised reasonable doubt with respect to each of the alleged incidents. Other witnesses corroborated accused's version of events in circumstances where it was possible for someone else to be present.

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