

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. DeCoste, 2008 NSSC 279

Date: 20080925

Docket: CRAT 293098

Registry: Antigonish

Between:

Her Majesty the Queen

Plaintiff

v.

Edmond Jeffrey DeCoste

Defendant

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Judge: The Honourable Justice Douglas L. MacLellan

Heard: July 8th, 2008, in Antigonish, Nova Scotia

Subject: Criminal law, Summary Conviction Appeal

Summary: Appeal from acquittal of accused on charge of assault causing bodily harm in circumstances of consensual fight. Complainant suffered bodily harm and trial judge found that no such harm was intended by accused. He also held that crown had to prove intention to cause bodily harm before conviction would enter.

Issue: Was trial judge's conclusion about accused's intention reasonable and did he apply proper legal test on issue of his intention.

Result: Appeal dismissed. The trial judge's conclusion about accused's intention was reasonable. He also applied proper legal test when he required crown to prove that the accused intended to cause bodily harm when he struck complainant. His rejection of crown argument that it only had to prove objective foreseeability of bodily harm was proper.

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