

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. D.E.W.* , 2009 NSSC 112

**Date:** 20090317

**Docket:** CRH 306406

**Registry:** Halifax

**Between:**

Her Majesty The Queen

v.

D. E. W.

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**LIBRARY HEADING**

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**Restriction on Publication:** Section 486.4 C.C.C. (Sexual Assault)

**Editorial Notice**

Identifying information has been removed from this electronic version of the judgment.

**Judge:** The Honourable Justice M. Heather Robertson

**Heard:** March 17, 2009, in Halifax, Nova Scotia

**Decision:** March 17, 2009 (*Voir Dire #1 - Orally*)

**Written Release:** May 29, 2009

**Subject:** The accused has made a Section 276.1 application seeking to tender evidence regarding prior sexual acts with the complainant relating to prior anal sex and prior consensual sex where the accused inserted his hand in her vagina.

**Summary:** The accused is charged with sexual assault where it is alleged that he did on one occasion engage in non consensual anal sex, by entering the complainant's anus with his fist.

**Result:** Conditions precedent under s. 276.2 were met. The

evidence was permissible after analysis of factors set out in s. 276(3)(a-h).

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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