

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. D.E.W.* , 2009 NSSC 171

Date: 20090406

Docket: CRH 306406

Registry: Halifax

Between:

Her Majesty The Queen

v.

D. E. W.

LIBRARY HEADING

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: April 6, 2009, in Halifax, Nova Scotia

Decision: April 6, 2009 (**Mistrial - Orally**)

Written Release: May 29, 2009

Subject: Joint submission by counsel requesting a mistrial.

Summary: Earlier communication by defence counsel with the Crown respecting evidence that will be proffered, contradicted by the accused in direct examination, placing defence counsel in position of being called as a Crown witness. Inability of defence counsel to view video statements of accused and two Crown witnesses before conducting cross-examination.

Result: Declaration of mistrial.

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