

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Archibald, 2007 NSSC 21

Date: 20070119

Docket: Cr. S.AT. No. 267112

Registry: Antigonish

Between:

Robert Francis Archibald

Appellant

v.

Her Majesty the Queen

Respondent

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Judge: The Honourable Justice Douglas L. MacLellan

Heard: December 14, 2006, in Antigonish, Nova Scotia

Subject: **Criminal Law** - Summary Conviction Appeal

Summary: Appellant convicted of assault on common-law spouse. Information amended after trial evidence heard in regard to date of alleged assault. On appeal fresh evidence introduced to establish time line of events prior to date of alleged assault.

Issue: Would fresh evidence have impacted trial decision.

Result: Appeal allowed. Fresh evidence could have impacted trial result. Appellant was entitled to have his position clearly put to trial judge. Did not do so because of confusion about date of alleged assault.

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