

CANADA / JUDGMENT

R. v. Dickson

[1994] 1 SCR 153**COURT**

Supreme Court of Canada

DECIDED

2 February 1994

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R. v. Dickson Collection Supreme Court Judgments Date 1994-02-02 Report

[1994] 1 SCR 153 Case number 23580 Judges Lamer, Antonio; L'Heureux-Dubé, Claire; Sopinka, John; McLachlin, Beverley; Major, John C. On appeal from Yukon Subjects Criminal law Evidence Notes SCC Case Information: 23580 Decision Content R. v. Dickson, [1994] 1 S.C.R. 153 Alexander Lee Dickson Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Dickson File No.: 23580. 1994: February 2. Present: Lamer C.J. and L'Heureux-Dubé, Sopinka, McLachlin and Major JJ. on appeal from the court of appeal for the yukon territory Criminal law -- Sexual assault -- Consent -- Admissibility of evidence -- Evidence of prior sexual acts with accused -- Defence of honest but mistaken belief of consent -- Whether evidence of other acts of intercourse admissible. Evidence -- Criminal law -- Sexual assault -- Consent -- Admissibility of evidence -- Evidence of prior sexual acts with accused -- Defence of honest but mistaken belief of consent -- Whether evidence of other acts of intercourse admissible. APPEAL from a judgment of the Court of Appeal for the Yukon Territory (1993), 81 C.C.C. (3d) 224, 21 C.R. (4th) 8, allowing an appeal from a judgment of Lilles C.J.T.C. and ordering a new trial. Appeal dismissed. Marcel La Flamme, for the appellant. Judith Bowers, Q.C., and Robert Frater, for the respondent. The judgment of the Court was delivered orally by Lamer C.J. -- This is an appeal as of right. We are all of the view that the trial judge erred in the admission or the use of the evidence of the previous sexual relationship between the complainant and the appellant and that, under the circumstances of this case, the order by the Court of Appeal for a new trial was properly made. Accordingly the appeal is dismissed. Judgment accordingly. Solicitor for the appellant: Marcel La Flamme, Whitehorse. Solicitor for the respondent: The Department of Justice, Whitehorse.

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