

CANADA / JUDGMENT

R. v. M. (W.H.)

[1992] 1 SCR 984**COURT**

Supreme Court of Canada

DECIDED

27 April 1992

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R. v. M. (W.H.) Collection Supreme Court Judgments Date 1992-04-27 Report

[1992] 1 SCR 984 Case number 22285 Judges La Forest, Gérard V.; Sopinka, John; Gonthier, Charles Doherty; Cory, Peter deCarteret; McLachlin, Beverley; Stevenson, William; Iacobucci, Frank On appeal from Prince Edward Island Subjects Criminal law Notes SCC Case Information: 22285 Decision Content R. v. M. (W.H.), [1992] 1 S.C.R. 984 Her Majesty The Queen Appellant v. W.H.M. Respondent Indexed as: R. v. M. (W.H.) File No.: 22285. 1992: April 27. Present: La Forest, Sopinka, Gonthier, Cory, McLachlin, Stevenson and Iacobucci JJ. on appeal from the prince edward island supreme court, appeal division Criminal law -- Evidence -- Charge of sexually assaulting child -- Standard of proof -- Child witness -- Credibility. APPEAL from a judgment of the Prince Edward Island Supreme Court, Appeal Division (1990), 87 Nfld. & P.E.I.R. 339, 271 A.P.R. 339, dismissing the Crown's appeal from the accused's acquittal by the Prince Edward Island Supreme Court, Trial Division (1990), 82 Nfld. & P.E.I.R. 285, 257 A.P.R. 285, on charges of indecent assault and sexual assault. Appeal dismissed. Darrell E. Coombs, for the appellant. John W. Hennessey, for the respondent. //La Forest J.// The judgment of the Court was delivered orally by La Forest J. -- It will not be necessary to hear from you Mr. Hennessey. The Court is ready to hand down judgment. The judgment will be pronounced by Mr. Justice Iacobucci. //Iacobucci J.// Iacobucci J. -- This appeal comes to us as of right. We are all of the view that the appeal should be dismissed. We agree with the conclusions of the majority of the Appeal Division of the Supreme Court of Prince Edward Island that the trial judge made no error of law with respect to the standard of proof he applied, the proper consideration of the evidence before him, and the issue of credibility of a child witness. Accordingly, the appeal is dismissed. Judgment accordingly. Solicitor for the appellant: The Attorney General of Prince Edward Island, Charlottetown. Solicitors for the respondent: Foster, O'Keefe, Charlottetown.

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