



Supreme Court  
of Canada

Cour suprême  
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# Supreme Court of Canada

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## Summary

**34499**

## Charles Picot v. Her Majesty the Queen

**(New Brunswick) (Criminal) (As of Right)**

## Keywords

None.

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## Summary

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Criminal law Indecent assault on male Evidence Corroboration Appeals Crown's right to appeal Question of law Where trial judge acquits on ground of reasonable doubt, whether judge's failure to specifically take account of testimony on incidental matters, which could in some respects have bolstered complainant's credibility, raises question of law alone and thus gives Attorney General right to appeal under s. 676(1)(a) of Criminal Code.

The appellant was acquitted on an indecent assault charge. The assault allegedly occurred in 1975, when the appellant was a curate and the complainant was 13 years old. The trial judge acquitted the appellant in part because the complainant's testimony was not corroborated and was not consistent with the evidence. The majority of the Court of Appeal allowed the Crown's appeal and ordered a new trial on the ground that the trial judge had erred in concluding that the corroborative or confirmatory evidence had to relate directly to one or more essential elements of the charge. In the alternative, the majority concluded that the trial judge had erred in not taking account of the existing confirmatory evidence that could have served to restore credibility to the complainant's testimony. Richard J.A., dissenting, would have dismissed the appeal on the ground that [TRANSLATION] "the trial judge took account of all the testimony but, if this is not the case . . . this failure does not raise a question of law alone", which is necessary for the Crown to have a right to appeal under s. 676(1)(a) of the Criminal Code. Richard J.A. explained that, because of the Court of Appeal's unanimous conclusion that corroboration was not necessary for a conviction in this case, there was no need for it to consider whether the trial judge had erred in failing to analyse the evidence that could have provided corroboration.

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