

# Charles Picot acquittal restored

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BY TIM JAQUES

**CAMPBELLTON** ► Former priest Charles Picot has been successful in restoring an acquittal in a case that went all the way to the Supreme Court of Canada.

Picot, who served as a priest in Campbellton and Dalhousie, was acquitted on March 3, 2010 in the New Brunswick Court of Queen's Bench of a 1975 charge of indecent assault on Michael Jensen, 13 at the time of the alleged offence, who asked at the trial that a publication ban not be placed on his name. Picot was parish priest at Saint-Jean-Baptiste Roman Catholic Church in Dalhousie at the time.

Picot was acquitted when the trial judge said that the victim's testimony was not corroborated, although the judge did not dismiss Jensen's testimony as unbelievable.

In a split decision on Aug. 18, 2011, the New Brunswick Court of Appeal set aside the acquittal and or-

dered a new trial in the case.

Two of the three New Brunswick appeals justices agreed that "the trial judge's conclusion that Mr. Jensen's testimony lacked corroboration simply does not square with the evidence and with his own findings. That being the case, I am of the view he erred by concluding that corroborative or confirmatory evidence must be directly related to one or more of the essential elements of the charge."

Justice J.C. Marc Richard wrote a dissenting opinion indicating that he would have let the acquittal stand.

The Supreme Court of Canada ruled unanimously on Oct. 19 that Justice Richard was right.

"We agree with Richard J.A., who dissented in the Court of Appeal, that the trial judge had acquitted the accused on the basis of a reasonable doubt and that he had committed no fatal error of law in reaching that decision.

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Charles Picot, shown in this file photo from 2011, was acquitted in a Court of Queen's Bench trial that year of charges relating to a sexual assault on a 13-year-old boy in 1975. That was overturned by the New Brunswick Court of Appeal, which ordered a new trial, but the Supreme Court of Canada has ordered the acquittal restored. (Trevor McNally/Tribune)



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For these reasons, the appeal of the appellant Picot is allowed, the judgment of the New Brunswick Court of Appeal ordering a new trial is set aside and the acquittal of the appellant entered by Ouellette J. of the New Brunswick Court of Queen's Bench is restored," said Justice Louis LeBel for the court.

That brief statement, delivered orally, constituted the court's entire reasons for judgment.

In August, 2011 Picot was sentenced to eight months in jail after being found guilty of a sex assault dating back several decades against Derek Lapointe, who also did not want a publication ban placed on his name. That decision is being appealed to the New Brunswick Court of Appeal.