

**SUPREME COURT OF CANADA**

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| **Citation :** R *v*. T.L.M.,  2012 SCC 6, [2012] 1 S.C.R. 233 | **Date** : 20120214  **Docket** : 34288 |

Between:

Her Majesty The Queen

Appellant

and

T.L.M.

Respondent

**Coram** : Deschamps, Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ.

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| **Reasons for Judgment** :  (paras. 1 to 2) | Deschamps J. (Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ. concurring) |

R. *v*. T.L.M., 2012 SCC 6, [2012] 1 S.C.R. 233

Her Majesty The Queen *Appellant*

v.

T.L.M. *Respondent*

**Indexed as:  R. *v*. T.L.M.**

2012 SCC 6

File No.:  34288.

2012:  February 14.

Present:  Deschamps, Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ.

on appeal from the court of appeal for newfoundland and labrador

*Criminal law — Evidence — Similar fact evidence — Admissibility of similar fact evidence relating to previous conviction of the accused for sexual assault — Trial judge did not err in admitting similar fact evidence.*

APPEAL from a judgment of the Newfoundland and Labrador Court of Appeal (Welsh, Rowe and Hoegg JJ.A.), 2011 NLCA 24, 307 Nfld. & P.E.I.R. 262, 954 A.P.R. 262, 271 C.C.C. (3d) 148, 85 C.R. (6th) 170, [2011] N.J. No. 118 (QL), 2011 CarswellNfld 115, setting aside convictions entered by Adams J., 2010 NLTD 12, 294 Nfld. & P.E.I.R. 308, 908 A.P.R. 308, [2009] N.J. No. 374 (QL), 2009 CarswellNfld 356. Appeal allowed.

Stephen R. Dawson, for the appellant.

*Derek Hogan*, for the respondent.

The judgment of the Court was delivered orally by

1. Deschamps J. — We agree with Hoegg J.A., dissenting at the Court of Appeal, that the trial judge committed no reviewable error. Therefore, the appeal is allowed.
2. Having heard the parties, we also agree with the dissenting judge that count No. 1 should be stayed and that the convictions on the other counts should be restored.

*Judgment accordingly.*

*Solicitor for the appellant:  Attorney General of Newfoundland and Labrador, St. John’s.*

*Solicitor for the respondent:  Newfoundland and Labrador Legal Aid Commission, St. John’s.*