

Nfld. & Labrador

'Consent is a very complex issue': Lawyer looks at Snelgrove sexual assault trial



Protesters strongly oppose jury's not guilty verdict for Const. Doug Snelgrove

[Meghan McCabe](#) · CBC News · Posted: Feb 25, 2017 7:33 PM NT | Last Updated: February 26, 2017



Lawyer Allison Conway says the Doug Snelgrove sexual assault trial raises issues that are very important to people. (Jeremy Eaton/CBC)

As protesters in St. John's rally against a jury's not guilty verdict in RNC Const. Doug Snelgrove's sexual assault trial, a St. John's lawyer says legal consent and moral consent are two very different things.

- [Not guilty verdict for Doug Snelgrove leads to explicit graffiti in St. John's](#)

Allison Conway with Budden and Associates was not involved in the sexual assault trial of Royal Newfoundland Constabulary officer Carl Douglas (Doug) Snelgrove.

But she said from following the case, and looking at the legal issues involved, she can see how the jury reached the not guilty verdict that some strongly oppose.

"Ultimately the jury found there to be a reasonable doubt about the guilt of the accused and that's why we have this verdict that we have."

- [For background on the case, read more stories](#)

"Whether that was on the issue of consent, we don't know, but certainly the trial centred around the issue of consent," Conway said, just as [Justice Valerie Marshall reminded the jury before it began deliberations](#).

Moral vs. legal consent

[Consent of the complainant](#), who was 21 at the time of the incident in 2014, has also been the focus of criticism from a number of people throughout the trial and now with the jury's verdict.

Snelgrove, 38, was on duty and in uniform when the complainant asked for a ride home from downtown one night and he went into her apartment with her, where they had sex.

"Consent is a very complex issue, particularly in terms of sexual assault, and it's difficult to sum it up in a short period of time because it's really a moving target that will depend on the facts of the case," said Conway.

She said she's heard two big things from people commenting about the case: because the complainant was drunk – which she said in court – she could not consent; or that because she could not remember consenting, she could not have consented.

"Those are not accurate statements of consent under the law," said Conway.

“The fact that a complainant can not remember consenting also does not mean that they didn't consent.”

- Allison Conway

"They may be accurate moral representations of what we would like consent to be, but under the law, the fact that a complainant is drunk does not negate their capacity to consent."

"The fact that a complainant can not remember consenting also does not mean that they didn't consent," she said.

Conway also pointed to several cases in Canada in which intoxication did not eliminate the complainant's ability to consent, including one case that stated "mere drunkenness is not the equivalent of incapacity."

The Crown has 30 days to file an appeal in the case, and the RNC will determine the appropriate discipline for Snelgrove – suspended without pay since charges were laid in 2015.

A protest is planned for RNC headquarters in St. John's on Monday at 12 p.m.

With files from Jeremy Eaton

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