

Appeal court upholds conviction

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They were young. They were in love. And when they decided to have sex, it was a serious decision that they made together.

That's what the defence lawyer said.

But the girl was 13½ and her boyfriend was 17½. And as far as the law is concerned, 13½ is just too young.

So the boyfriend was convicted in youth court of sexual interference, a Criminal Code offence that prohibits sexually touching someone under 14.

On Wednesday, the Alberta Court of Appeal released a judgment dismissing a bid by the boyfriend's lawyer to have that conviction overturned.

The youth was sentenced to one year's probation, but the lawyer had appealed that 1991 conviction, saying the stigma of sexual conviction carries lifelong punish-

ment in areas of employment, and child custody, to name only a few.

The defence argued that the intimacy was consensual, the two had dated for years, grown up together, and planned to get married.

A cut-off age of 14 chronological years is arbitrary and doesn't reflect true maturity, defence argued.

In dismissing the appeal, Justice Jean Cote wrote: "First, it is said that the two young people were in love, and serious, and seriously decided to do the thing."

But Cote added those things aren't relevant unless the defence lawyer is attacking the conviction because of the line-drawing at 14 years.

Politicians have to draw an age line somewhere, he wrote.

"We find any such attack hopeless. Parliament can validly draw a line somewhere, and the one drawn, age 14, is plainly reasonable," Cote wrote.