

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Awad*, 2015 NSCA 10

**Date:** 20150130

**Docket:** CAC 425207

**Registry:** Halifax

**Between:**

Karim Mohamed Awad, Brian Boudreau, Catherine Nicole  
Haddad, Philip Blair Lahey, Joseph Matthew Nardocchio, Kyle  
John Sakalauskas, Derrick Silby Smith, Irving James Warner

Appellant

v.

Her Majesty The Queen

Respondent

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**Judge:** The Honourable Justice Duncan R. Beveridge

**Appeal Heard:** October 14, 2014, in Halifax, Nova Scotia

**Subject:** Criminal Procedure: validity of improperly sworn  
informations

**Summary:** A police officer swore numerous informations charging individuals with offences. She did so without personal knowledge or reasonable grounds to believe that persons named had committed any offence. When discovered, a number of those individuals moved to quash the informations. The Crown asked that the informations be amended by having the same officer re-swear the informations. The provincial court judge concluded that the informant swore false informations; they were nullities and could not be amended under s. 601 of the *Criminal Code*.

The Crown appealed to the Summary Conviction Appeal Court who found that the provincial court judge had erred in law and directed that the motion to amend be allowed.

**Issues:** Are informations falsely sworn nullities, and hence not subject to amendment?

**Result:** The Crown did not seek to change or add any words to informations. The only thing they wanted was to have the informant, who had since acquired reasonable grounds, to again swear the informations, and have the proceedings continue. Subject to considerations of abuse of process, there was no bar to the authorities re-swearing informations and proceeding again. They chose not to do so. The power to amend found in s. 601 of the *Code* does not extend to such circumstances. The provincial court judge committed no error in law in finding the informations to be nullities. Leave to appeal from the decision of the Summary Conviction Appeal Court is granted, and the appeal allowed.

*This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 21 pages.*