

CASE NO.

VOLUME

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Cite as: R. v. Xidos, 1998 NSCA 148

JOHN XIDOS

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

C.A.C. No. 143295

Halifax, N.S.

BATEMAN, J.A.
(Orally)

APPEAL HEARD:

June 15, 1998

JUDGMENT DELIVERED:

June 15, 1998

WRITTEN RELEASE OF ORAL:

June 16, 1998

SUBJECT:

Appeal from order of Summary Conviction Appeal judge, allowing Crown appeal from an Order granting a stay of proceedings.

SUMMARY:

The appellant was charged with failure to comply with notices issued by Revenue Canada requiring the production of certain corporate information. He applied in Provincial Court for a stay of proceedings alleging an infringement of **ss.7 and 8** of the **Charter**. The Crown took issue with the sufficiency and admissibility of certain affidavits tendered by the Defence and sought a preliminary ruling in relation thereto. Due to confusion in the process the judge rendered his decision granting the stay, without permitting the Crown to tender evidence on the main motion. Crown successfully appealed to the Summary Conviction Appeal Court.

ISSUES:

Did the Summary Conviction Appeal judge err in allowing the appeal?

RESULT:

The appellant failed to raise a question of law. The Summary Conviction Appeal judge found, as a fact, that the Crown had reserved the right to call evidence on the main motion. In this regard he did not err. In addition, there was no issue, despite the submissions of defence counsel, of apprehended bias on the part of the Summary Conviction Appeal judge - nor had this issue been raised before him. Leave to appeal refused.

This information sheet does not form part of the Court's decision. Quotes must be from the decision, not his cover sheet. The full court decision consists of 4 pages.

