

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Cosh*, 2015 NSCA 76

**Date:** 20150730

**Docket:** CAC 428299

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

Kenneth Wade Cosh

Respondent

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

**Appeal Heard:** February 18, 2015, in Halifax, Nova Scotia

**Subject:** Criminal law: breach of trust by an official

**Summary:** The respondent was a paramedic employed by a private company. That company had a contract with the Province of Nova Scotia to manage the day to day operations of ambulance services, including the hiring and management of paramedics and other staff. The respondent stole drugs and related equipment. He falsified records to cover up his misdeeds. He pled guilty to theft, fraud and unlawful possession of morphine, but not guilty to breach of trust by a public officer. The trial judge acquitted the respondent as he was not satisfied that the respondent was an official within the meaning of ss. 118 and 122 of the *Criminal Code*.

**Issues:** Did the trial judge err in his interpretation of ss. 118 and 122 of the *Code*?

**Result:**

Applying the established principles of statutory interpretation, a paramedic is not an “official” within the meaning of ss. 118 and 122 of the *Code*. Emergency health care services are important to the public, but a paramedic is not a person appointed or elected to discharge a public duty. Paramedics owe duties to their employer, and to those that they may come into contact with, but not to the public at large. Further, in these circumstances, the respondent held no office, nor was appointed by government. Accordingly the appeal is dismissed.

*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 26 pages.*