

CASE NO.**VOL. NO.****PAGE**

HER MAJESTY THE QUEEN

WILLIAM LAWRENCE MURPHY

- and -

(Appellant)

(Respondent)

CAC 162085

Halifax, N.S.

HALLETT, J.A.

[Cite as: R. v. Murphy, 2000 NSCA 135]**APPEAL HEARD:**November 16th, 2000**JUDGMENT DELIVERED:**

November 24, 2000

SUBJECT:**Liquor Control Act**, R.S.N.S. 1989, c. 33, as amended s. 89(1)**SUMMARY:**

The respondent was charged with supplying liquor to a person under 19 years of age contrary to s. 89(1) of the **Liquor Control Act**. He was acquitted at trial on the ground that the Crown had failed to prove that the defendant knew or ought to have known that the 15 year old to whom the liquor was supplied was under age. The Crown appeal to the summary conviction appeal court was dismissed.

The appeal to the Nova Scotia Court of Appeal pursuant to s. 839 of the **Criminal Code** was allowed. While the knowledge of a person charged with a s. 89(2) offence that the person supplied with the liquor is under age is an essential element of the offence created by s. 89(2), it is not an element of a s. 89(1) offence. Acquittal set aside and a new trial ordered.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 9 pages.</p>
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