

NOVA SCOTIA COURT OF APPEAL
Citation: *R. v. MacIntosh*, 2008 NSCA 124

Date: 20081222
Docket: CAC 298018
Registry: Halifax

Between:

Ernest Fenwick MacIntosh

Appellant

v.

Her Majesty the Queen

Respondent

Publication Ban: pursuant to s. 486.4(1) of the Criminal Code

Judge: The Honourable Justice Thomas Cromwell

Appeal Heard: December 10, 2008

Subject: Extradition to Canada – principle of specialty – **Canadian Charter of Rights and Freedoms**

Summary: At Canada's request, the appellant was extradited to Canada from India. He applied to prohibit a Provincial Court judge in Nova Scotia from proceeding with his preliminary inquiry, submitting that the prosecution offended the principle of speciality and that Canada's extradition request offended his rights under s. 7 of the **Canadian Charter of Rights and Freedoms**.

Issues:

1. Did the prosecution offend the principle of specialty?
2. Did Canada's extradition request offend the appellant's section 7 rights?

Result: Appeal dismissed. The prosecution did not offend the specialty

principle and Canada's extradition request did not infringe the appellant's s. 7 rights.

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 23 pages.