

Date: 19970917

Docket: C.A.C. 137123

NOVA SCOTIA COURT OF APPEAL  
Cite as: R. v. Nickerson, 1997 NSCA 170

Freeman, Jones and Flinn, JJ.A.

**BETWEEN:**

HER MAJESTY THE QUEEN	)	Denise C. Smith
	)	for the Appellant
	)	
Appellant	)	
	)	
- and -	)	
	)	Lonny J. Queripel
	)	for the Respondent
PAUL RAY NICKERSON	)	
	)	
	)	Appeal Heard:
	)	September 17, 1997
	)	
	)	
	)	Judgment Delivered:
	)	September 17, 1997
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	)	
	)	
	)	

**THE COURT:** Appeal allowed and conviction set aside per oral reasons for judgment of Freeman, J.A.; Jones and Flinn, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally  
by:

FREEMAN, J.A.: (Orally)

In view of the acknowledgement of the Crown that the appellant was wrongly convicted of an offence contrary to the **Regulations** made pursuant to s. 86(3)(a) of the **Criminal Code of Canada**, R.S.C. 1985, c. C-46, we allow the appeal and set aside the conviction.

Freeman, J.A.

Concurred in:

Jones, J.A.

Flinn, J.A.

NOVA SCOTIA COURT OF APPEAL

**BETWEEN:**

HER MAJESTY THE QUEEN

Appellant

- and -

PAUL RAY NICKERSON

Respondent

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)  
) REASONS FOR  
) JUDGMENT BY:

)  
) FREEMAN, J.A.  
) (Orally)

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