

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Benoit*, 2011 NSCA 99

Date: 20111101

Docket: CAC 327751

Registry: Halifax

Between:

Gail Benoit and Dana Bailey

Appellants

v.

Her Majesty the Queen

Respondent

Judge:

The Honourable Justice Joel E. Fichaud

Appeal Heard:

October 4, 2011, in Halifax, Nova Scotia

Subject:

Section 11 of the provincial *Animal Cruelty Prevention Act*, S.N.S. 1996, c. 22

Summary: The appellants were in the business of selling dogs. Officers of the SPCA, acting with warrants, seized puppies from the appellants' premises. The seized animals were found to be infested with parasites, had distended abdomens, and related symptoms. The appellants were convicted in the Provincial Court of causing distress to animals under the former *Animal Cruelty Prevention Act*. The appellant Benoit was convicted of assaulting and obstructing a peace officer in the execution of her duty contrary to ss. 270(1) and 129 of the *Criminal Code*. The result was affirmed by the Supreme Court of Nova Scotia sitting as the Summary Conviction Appeal Court. The appellants appealed to the Court of Appeal.

Issue:

Did the Summary Conviction Appeal Court err?

Result: The Court of Appeal held there was no error in the findings that the animals were in distress and that the appellants were in charge of the animals and permitted the distress. The verdicts were not unreasonable. The Summary Conviction Appeal Court did not err in its interpretation of ss. 11 and 12 of the *Animal Cruelty Prevention Act*, and there was no violation of the appellants' rights under ss. 6, 15(1) and 8 of the *Charter of Rights*. The lower courts did not misapply the principle of reasonable doubt, and there was no demonstrated merit to the sentence appeal. The Court of Appeal dismissed the appeal.

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 13 pages.