

**NOVA SCOTIA COURT OF APPEAL**

**Citation: *R. v. Murphy*, 2011 NSCA 54**

**Date:** 20110609

**Docket:** CAC 313182

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

Marcel Shawn Murphy,  
also known as Shawn Marcel Murphy

Respondent

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**Judge:** The Honourable Justice David P.S. Farrar

**Appeal Heard:** March 31, 2011

**Subject:** **Criminal Law. Admissibility of Evidence. Burden of Proof on Admissibility.**

**Summary:** The respondent was acquitted of 32 charges alleging break, enter and theft, or possession of property obtained by criminal offences. The Crown appealed alleging that the trial judge erred by requiring it to prove continuity of certain critical exhibits beyond a reasonable doubt. It also argued that the trial judge made errors in failing to allow witnesses to view photographs and a video for the purposes of authenticating the evidence.

**Result:** Appeal allowed, new trial ordered. The trial judge made numerous errors with respect to the admissibility of evidence, the evidence was critical to the Crown's case and, if admitted, might reasonably have been thought to have affected the trial judge's verdict.

**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 20 pages.**