

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** R. v. Hawkins, 2011 NSCA 6

**Date:** 20110117

**Docket:** CAC 232269

**Registry:** Halifax

**Between:**

Herbert John Hawkins

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Duncan R. Beveridge

**Appeal Heard:** September 28, 2010

**Subject:** Criminal Law

**Summary:** The appellant was convicted of second degree murder. The Crown's case depended on circumstantial evidence, including a considerable body of post-offence conduct on the part of the appellant.

**Issues:** Was the verdict unreasonable or not supported by the evidence? Did the trial judge err in admitting some of the evidence of post-offence conduct and how he charged the jury on that evidence? Did the Crown improperly address the jury?

**Result:** After examining and considering the effect of the evidence, the finding of second degree murder was not unreasonable or unsupported by the evidence. The trial judge made no error in admitting the contested evidence of post-offence conduct by the

appellant. Some aspects of the charge to the jury on this evidence were deficient, but it did not result in any substantial wrong or miscarriage of justice. The trial judge appropriately dealt with complained of improprieties in what the Crown said to the jury in its closing address. The appeal from conviction is dismissed.

*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 40 pages.*