

S.C.C. 02501

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Hallett, Hart and Matthews, JJ.A.

BETWEEN:

HER MAJESTY THE QUEEN

Appellant

- and -

STEVEN ARNOLD HARNISH

Respondent

) James C. Martin
) for the Appellant
)
) Craig M. Garson
) for the Respondent
)
) Appeal Heard:
) January 15, 1992
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) Judgment Delivered:
) January 15, 1992
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THE COURT:

Appeal allowed and a new trial ordered per oral reasons for judgment of Hallett, J.A., Hart and Matthews, JJ.A. concurring.

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

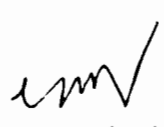
HALLETT, J.A.:

This is an application for leave to appeal and, if granted, an appeal by the Crown from an acquittal on a charge of trafficking in a narcotic.

We are of the opinion that the learned trial judge forgot that the Certificate of Analysis had been admitted into evidence by consent of the defence. This was very material evidence that the learned trial judge failed to consider. This was an error in law. We grant leave, allow the appeal and order a new trial.


J.A.

Concurred in:

Hart, J.A. 

Matthews, J.A. 