

1970

S. C. No. 15555

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

- and -

ROBERT ARAB

Appellant

McKINNON, C.J.N.S.:

It has been the practice of this Court to be very loath to interfere with the conviction of an experienced Magistrate dealing with a serious offence where a plea of guilty has been entered. However, the record here discloses that the appellant may well have misunderstood the effect of his guilty plea in that he was not admitting that the .22 calibre pistol was possessed for the purpose of house-breaking, vault-breaking or safe-breaking; furthermore, he was not represented by counsel.

Accordingly, the Court has decided to proceed with consideration of the appeal.

It is the opinion of the Court that leave to appeal should be granted and that a new trial should be had.

DATED at Halifax, Nova Scotia, this 21st day of September, A. D., 1970.

Members of Appeal Division:

McKinnon, C.J.N.S.

Coffin, J.A.

Cooper, J.A.

Counsel:

E. R. Saunders, Esq. Appellant

G. S. Gale, Esq. Respondent