

<u>CASE NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
Cite as: R. v. Stone, 1998 NSCA 238		

JAMES EDWARD STONE		HER MAJESTY THE QUEEN
(Appellant)	- and -	(Respondent)
C.A.C. No. 149089	Halifax, N.S.	Bateman, J.A. (Orally)

APPEAL HEARD: December 10, 1998

JUDGMENT DELIVERED: December 10, 1998

WRITTEN RELEASE OF ORAL: December 11, 1998

**SUBJECT:** Appeal from convictions for operating a motor vehicle while impaired and thereby causing death (s.255(3) of the Criminal Code).

**SUMMARY:** Accused driver of car which left the highway resulting in the death of the two passengers.

**ISSUES:** Appellant alleged that the verdict is unreasonable or not supported by the evidence. In particular, he says that there was insufficient evidence of impairment of the appellant's ability to drive before the trial judge.

**RESULT:** Taking into account the Trial Judge's findings of credibility, and considering the direct and inferential evidence of impairment that was before the Court, we are satisfied that the verdict is not unsupported by the evidence, and is one that a properly instructed jury could reasonably have rendered.

**This information sheet does not form part of the Court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 1 page.**