

<u>CASE NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
Cite as: R. v. Nurnber, 1998 NSCA 181		
WILLIAM ROBERT NURNBER (Appellant)	- and -	HER MAJESTY THE QUEEN (Respondent)
C.A.C. No. 144743	Halifax, N.S.	CROMWELL, J.A. (orally)

APPEAL HEARD: October 1, 1998

JUDGMENT DELIVERED: October 1, 1998

WRITTEN RELEASE OF ORAL: October 2, 1998

SUBJECT: **Driving while license revoked - Mistake of Fact - Officially induced Error**

SUMMARY: The appellant was convicted of driving while his license was revoked. He testified that he was unaware of the revocation of his license and further relied on a letter he had received from the Registry of Motor Vehicles respecting outstanding fines as inducing him to think that his license had not been revoked. He was convicted at trial and his summary conviction appeal to a judge of the Supreme Court of Nova Scotia was dismissed. He sought leave to appeal to the Court of Appeal, arguing that his mistake was one of fact which, if true, would render his act innocent and further that, if his mistake was one of law, it was officially induced.

RESULT: The application for leave to appeal was granted and the appeal dismissed. The appellant's mistake was one of law: **R. v. MacDougall**, [1982] 2 S.C.R. 605 and therefore did not afford a defence unless the error was officially induced. There was no error in Moir, J.'s conclusion that the appellant could not bring himself within the excuse of officially induced error.

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