

NOVA SCOTIA COURT OF APPEAL
Citation: *R. v. Schneider*, 2004 NSCA 99

Date: 20040817
Docket: CAC 200119
Registry: Halifax

Between:

Annie Marthe Schneider & Marguerite Schneider

Appellants

v.

Her Majesty the Queen

Respondent

JUDGE: By the Court (Cromwell, Saunders and Fichaud, JJ.A.)

APPEAL HEARD: January 19, 2004

JUDGMENT DELIVERED: August 17, 2004

SUBJECT: Criminal Law - Language Rights under the Criminal Code of Canada, R.S.C. 1985, c. C-46 - unreasonable verdict

SUMMARY: The appellants were convicted of criminal harassment and mischief. The appellants appealed unsuccessfully to the summary conviction appeal court. They sought leave to appeal to the Court

of Appeal arguing that: (i) the convictions were unreasonable; (ii) a police search had been unlawful and unreasonable; (iii) their language rights under the **Criminal Code** had not been respected; (iv) the trial had been unreasonably delayed; (v) the proceedings were an abuse of process; and (vi) the trial judge was biased.

ISSUES: Should leave to appeal be granted and the appeal allowed?

RESULT: Leave to appeal granted but appeal dismissed. The verdicts were not unreasonable and the trial judge had conducted the proceedings in a fair and appropriate manner. There had not been unreasonable delay and there was no evidence to support the appellants' position that the proceedings were an abuse of process. There was no basis to interfere with the trial judge's conclusion, affirmed by the summary conviction appeal court that the search was lawful.

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 30 pages.