

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. Jones, 2006 NSCA 136

Date: 20061219

Docket: CAC 263149

Registry: Halifax

Between:

Thomas Arnold Jones

Appellant

v.

Her Majesty The Queen

Respondent

Judge: The Honourable Justice Roscoe

Appeal Heard: November 30, 2006

Subject: Criminal Law, new evidence on appeal, misapprehension of evidence, miscarriage of justice

Summary: The appellant was convicted of counseling murder. He appealed seeking to admit new evidence to support his allegation that there had been a misapprehension of evidence which lead to a miscarriage of justice.

Issues: Should the new evidence be admitted? Was there a miscarriage of justice?

Result: Appeal allowed. New evidence met the requirement of **R. v. Palmer**, [1980] 1 S.C.R. 759 and was admitted. With the benefit of the new evidence, it was clear that one of the alternative bases for the finding of guilt was based on a misapprehension of evidence. New trial ordered.

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 11 pages.