

NOVA SCOTIA COURT OF APPEAL

Cite as: R. v. Chaisson, 1993 NSCA 126

Jones, Hallett and Roscoe, J.J.A.

BETWEEN:

HER MAJESTY THE QUEEN

Appellant

- and -

CLINTON CHAISSON

Respondent

Michael A. Pare
for the Appellant

Gerald A. MacDonald
for the Respondent

Appeal Heard:
June 1, 1993

Judgment Delivered:
June 1, 1993

THE COURT: Application for leave to appeal dismissed per reasons for judgment of Jones, J.A.; Hallett and Roscoe, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally by:

JONES, J.A.

This is an application by the Crown for leave to appeal on a question of law. The respondent was charged under s. **91.1(1)(a)** of the **Atlantic Fishery Regulations, 1985**. The respondent was acquitted on the ground that he had established the defence of due diligence. An appeal to the County Court was dismissed.

The issue raised on the present application is whether there was sufficient evidence to raise the defence. In our view there was evidence that the respondent had exercised due diligence. The sufficiency of that evidence was a matter for the trial judge. We find no error of law on that issue in the courts below which would justify the granting of leave to appeal. The application is dismissed.

J.A.

Concurred in:

Hallett, J.A.

Roscoe, J.A.

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REASONS

JUDGMENT

JONES, J.A.
(orally)