

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Muise, 2005 NSSC 104

Date: 20050505

Docket: SN No. 218776

Registry: Sydney

Between:

Ernest Wayne Muise

Appellant

v.

Her Majesty the Queen

Respondent

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Judge: The Honourable Justice Frank Edwards

Heard: April 25, 2005, in Sydney, Nova Scotia

Subject: Criminal law; impaired driving, Code s. 253(a)

Facts: Following a motor vehicle accident, the Appellant's breathalyzer readings were 70 milligrams per cent. He admitted some drinking and the ingestion of prescription medication. A toxicologist testified for the Crown. The trial judge found the Appellant guilty of impaired driving.

Issue: Whether the guilty verdict was unreasonable and not supported by the evidence.

Result: Appeal dismissed. The verdict was one which the trial judge, acting judicially, could reasonably make.

Cases Noted: *R. v. Stellato* (1993) 12 O.R. (3d) 90 (Ont. C.A.);
Miller v. R. (1999) No. 149303;
Langille v. Midway Motors Ltd., (2002) 202 NSR (2d) 398

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