

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Fleet, 2008 NSSC 373

Date: 20081021

Docket: CrAt293210

Registry: Antigonish

Between:

Her Majesty the Queen

Appellant

v.

Kerry Wyman Fleet

Respondent

LIBRARY HEADING

- Judge:** The Honourable Justice Douglas L. MacLellan
- Heard:** October 21, 2008, in Antigonish, Nova Scotia
- Subject:** Criminal law, appeal by crown from acquittal of respondent by Provincial Court on charge under *Section 78 of the Fisheries Act*.
- Summary:** Respondent was acquitted of having untagged lobster traps onboard his boat based on defence of due diligence.
- Issue:** Was trial judge's finding of due diligence appropriate in circumstances.
- Result:** Appeal allowed. Finding of trial judge based on due diligence only related to some of traps found on respondent's boat. No explanation offered by respondent about other traps without valid tags. Conviction entered.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***