

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Melvin, 2009 NSSC 347

Date: 20091117

Docket: CRH 297590

Registry: Halifax

Between:

Her Majesty the Queen

Plaintiff

v.

Corey Patrick Melvin and Andrew Jason Hudder

Defendants

Restriction on publication: Restriction on publication pursuant to s.486.5 of
the **Criminal Code**

Judge: The Honourable Justice Kevin Coady

Heard: November 10, 2009, in Halifax, Nova Scotia

Decision: November 17, 2009

Counsel: John Scott, for the provincial crown
Warren Zimmer for Andrew Hudder
Josh Arnold, QC for Corey Melvin
Elizabeth Buckle for Cst. A
Martin Ward, QC for Deputy Chief McNeil and Halifax
Regional Police

By the Court:

Addendum

[1] This is a second addendum to my rulings of August 18, 2009 (2009 NSSC249) and October 16, 2009 (2009 NSSC 307).

[2] In the latter I ordered the production of an unvetted copy of a second discipline file relating to Cst. A. I am in receipt of that file and I have reviewed it in it's entirety.

[3] The materials in this second discipline file had nothing to do with the investigation of Messrs Melvin and Hudder. The discipline complaints arose as a result of an altercation between several police officers and members of the public. The officers, including Cst. A., were off duty. The internal investigation did not result in Cst. A. being charged with a criminal charge. An internal disciplinary matter has not been finalized.

[4] Credibility of Cst. A. is the trial issue associated with this application. I do not find that anything in this file impacts on the officers credibility in the same way it did with the "bank account" file. I can see no way that this information can be

used by the defence to assist them in making full answer and defence. Inclusion of any of these materials in this trial would amount to nothing more than a distraction.

[5] For these reasons, nothing from this file will be provided by way of disclosure.

J.