

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Murray, 2010 NSSC 296

Date: 20100727

Docket: Hfx No. 323044

Charge No. MVA106AC

Person No. 348135-2

Registry: Halifax

Between:

Monte Murray

Appellant

and

Her Majesty the Queen

Respondent

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Judge: The Honourable Justice Gerald R. P. Moir

Heard: June 23, 2010

Subject: Criminal Law; Disclosure, Summary Conviction Offence, Speeding.

Summary: The Crown's file consisted of a copy of a speeding ticket with the officer's notes on the back. Mr. Murray acted on his own and he never knew about, asked for, or saw the notes. He appealed his conviction on the basis of the Crown's failure to disclose the statement.

Issues: (1) Whether the Crown was obligated to disclose the officer's notes? (2) If so, whether setting aside the conviction and ordering a new trial is the appropriate remedy?

Result:

(1) Although the offence is not very serious, it attracts a disclosure obligation that at least extends to disclosing a contemporaneous statement made by the principal witness. For an offence like this, it may be sufficient for the prosecutor to inform an unrepresented accused of his right to disclosure only when a plea of not guilty is entered. (2) The facts demonstrate a reasonable possibility that the non-disclosure affected overall fairness and that the outcome might have been different.

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