

SUPREME COURT OF NOVA SCOTIA

Citation: Toomey v. Nova Scotia (Attorney General), 2011 NSSC 374

Date: 12/10/2011

Docket: Pic. 329510

Registry: Pictou

Between:

Graham Toomey

Appellant

v.

The Attorney General of Nova Scotia
The Attorney General of Canada

Respondent

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Judge: The Honourable Justice Patrick J. Murray

Heard: April 13th, 2011, Nova Scotia
Sydney, Nova Scotia

Written Decision: October 13, 2011

Counsel: Kevin A. Burke, Q.C., for the Appellant
Charles Broderick, for the Attorney General of Nova
Scotia
Wayne MacMillan, for the Attorney General of Canada

Subject: Appeal from convictions for illegal tobacco contrary to
Sections 32 and 216 of the Excise Act, 2001, and Sections
39(1)(b) and 85 of the provincial Revenue Act and
associated regulations.

Summary: Appeal from decision on the grounds that the trial judge

failed to give **Vetrovec** warning.

Issue: Whether trial judge was required to provide **Vetrovec** warning and if so, whether error curable under Section 686(1)(b)(iii) of the Criminal Code?

Result: Appeal dismissed. Warning not required in trial before a Judge alone. **R v Johnson and R v Snyder** 2011 ONCA 445 refer to. Trial judge addressed **Vetrovec** issues in determining crown witness to be trustworthy. Trial judge found there was evidence to corroborate Crown witness' testimony.

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