

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Howe*, 2016 NSSC 328

Date: 20161128

Docket: CRH No. 441632

Registry: Halifax

Between:

Her Majesty the Queen

v.

Duayne Jamie Howe, Patrick Michael James, and
David John Pearce

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Judge: The Honourable Justice Peter P. Rosinski

Heard: November 28, 2016 in Halifax, Nova Scotia

Written Decision: December 7, 2016 (oral decision rendered November 28, 2016)

Subject: Obligation of defence to provide to the Crown, copy of a statement provided by Crown witness to defence private investigator.

Summary: The defendants are charged with offences against R.M. RM provided two statements – a lengthy audiotaped statement to the police (within days of the last incident alleged); and, R.M. provided a statement to a private investigator, Eric Mott, retained by the defendants (14 months after the last alleged offence). In cross-examination of R.M. at trial, the defence counsel wished to put portions of the private investigator statement to R.M. The Crown objected that it did not have a copy of that statement, and sought to have a copy before the

witness was referred to any portions of that statement.

Issues: [1] Is the Crown in the circumstances entitled to a copy of the private investigator statement?

Result: As a matter of trial fairness, the Crown is entitled to a copy of the private investigator statement

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