

SUPREME COURT OF NOVA SCOTIA

Citation: *Cape Breton (Regional Municipality) v. Morrison*, 2017 NSSC 347

Date: 20170118

Docket: SYD No. 452225

Registry: Sydney

Between:

Cape Breton Regional Municipality

Appellant

v.

Angie Morrison

Respondent

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Judge: The Honourable Justice Patrick J. Murray

Heard: October 12, 2016, in Sydney, Nova Scotia

Decision: January 18, 2017

Subject: Appeal from directed verdict of acquittal on charge contrary to s. 133(1) of the *MVA*.

Summary: There three (3) grounds set out in the Notice of Appeal:

1. The learned adjudicator committed an error of law by providing a directed verdict to the Respondent on a ground not put forward by the Respondent;

2. The learned adjudicator committed an error of law by failing to provide the Appellant with an opportunity to re-open its case to address the issue raised by the learned adjudicator; and

3. The learned adjudicator committed an error of law by failing to provide any or alternatively, proper, consideration to relevant evidence.

Issues: Should the appeal be allowed?

Result: Appeal dismissed.

Cases sited: *Motor Vehicle Act* of Nova Scotia, R.S.N.S. 1989, c. 293; *R v. Dill*, 2005 ABQB 49 (CanLII); *R v. P (M.B.)*, 1994 CanLII 125 (SCC); *R v. Smith*, 2011 SKQB 324 (CanLII); *R v. G (S.G.)*, [1997] 2 SCR 716; *R v. McKenna*, (1956) 40 Cr. App. R. 65; *R v. Gowling*, 2012 ABPC 38; *R v. Huluszkiw*, [1963] 1 O.R. 157; *R v. O' Kane*, 2012 MBCA 82 (CanLII); *R v. Calnen*, 2015 NSSC 331 (CanLII); *R v. Charemski* [1998] 1 S.C.R. 679; *United States of America v. Sheppard*, [1977] 2 R.C.S. 1067; *R v. Dennis*, 2012 ONSC 1878 (CanLII); and *R. v. Arcuri*, 2001 SCC 54 (CanLII).

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