

IN THE SUPREME COURT OF NOVA SCOTIA

BETWEEN:

RALPH IVAN DONCASTER

APPELLANT

- and -

HER MAJESTY THE QUEEN

RESPONDENT

ORDER

BEFORE THE HONOURABLE JUSTICE JOHN D. MURPHY:

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UPON THIS APPEAL having come on before this Honourable Court on the 17th day of September, 2013;

AND UPON having read all documentation filed;

AND UPON HEARING Ralph Ivan Doncaster, the Appellant, on his own behalf;

AND UPON HEARING Arthur Theuerkauf, Crown Attorney who acknowledged that the appeal should be allowed as there had not been compliance with **Criminal Code**, s. 530 in Provincial Court;

NOW UPON MOTION:

IT IS ORDERED that the appeal in relation to the decision of His Honour Judge Jamie S. Campbell, a Judge of the Provincial Court of Nova Scotia, on the 21st day of February, 2013, referring to case #2433854:

THAT Ralph Ivan Doncaster on or about the 13th day of February, 2012, at or near Elmsdale, Nova Scotia, did commit mischief by continuously banging and knocking on doors and windows of the property situate at 35 Kali Lane, Elmsdale, County of Hants, Province of Nova Scotia without legal justification or excuse and without colour of right contrary to Section 430(4) of the **Criminal Code of Canada**.

is hereby allowed, the verdict of Judge Jamie S. Campbell is hereby set aside, the conviction is vacated, and the resulting Probation Order cancelled.

IT IS FURTHER ORDERED that there be a new trial on the above-noted charge/information before a Provincial Court Judge, other than the Judge who tried the accused in the first instance.

IT IS FURTHER ORDERED that the accused, Ralph Ivan Doncaster, shall be subject to the following conditions:

1. Ralph Ivan Doncaster shall have no contact or communication of any kind either directly or indirectly with Jennifer Field except through legal counsel unless contact is specifically permitted in the context of child access by a Court of competent jurisdiction.
2. Ralph Ivan Doncaster shall not be within a 50 metre zone

of any residence that Jennifer Field resides in until this matter is dealt with.

IT IS FURTHER ORDERED that Ralph Ivan Doncaster shall attend at Provincial Court in Shubenacadie, Nova Scotia on Monday, September 30, 2013 at 9:30 a.m. with respect to matters relating to the new trial arising out of the Information sworn on March 22, 2012.

HEARD at Truro, Nova Scotia the 17th day of September, 2013.

ISSUED at Truro, Nova Scotia the 19th day of September, 2013

Donna Johnson
PROTHONOTARY

Order read and conditions acknowledged:

Ralph Ivan Doncaster

