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R. v. McLellan (N.S.C.A.)

Between
Shawn Darren McLellan, Appellant, and
Her Majesty The Queen, Respondent

[1989] N.S.J. No. 353

Action S.C.C. No. 02127

Nova Scotia Supreme Court - Appeal Division
Halifax, Nova Scotia

Jones, Pace and Chipman JJ.A.

November 15, 1989

Criminal law -- Maiming cattle -- Sufficiency of evidence.

The Appeal Division allowed the appeal against a conviction for maiming cattle on the ground that the verdict was not sustainable on the evidence. [Nova Scotia Law News, Vol. 16, No. 4.]

D.M. Gass, for the Appellant.
J.D. Embree, for the Respondent.

THE COURT: Appeal allowed, conviction set aside and the appellant acquitted per oral reasons for judgment of Jones J.A.; Pace and Chipman, JJ.A. concurring.

JONES J.A. (orally):-- The appellant was convicted on a charge of maiming cattle contrary to s. 400(a) of the Criminal Code. The facts are set out in our decision in *D.J.K. v. The Queen*. For the reasons given in that case in our view the conviction cannot be sustained. It is unnecessary for us to consider the motion to admit fresh evidence which was the same as in *D.J.K. v. The Queen*. The appeal is allowed, the conviction is set aside and the appellant is acquitted.

JONES J.A.
Concurred in:

PACE J.A.
CHIPMAN J.A.

---- End of Request ----

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Time Of Request: Friday, April 10, 2015 12:09:00