

CASE NO.**VOL. NO.****PAGE**

BERNARD JOHN BROWN

- and -

HER MAJESTY THE QUEEN

Appellant

Respondent

CAC 163860

Halifax

ROSCOE, J.A.

[Cite as: R. v. Brown, 2000 NSCA 147]

APPEAL HEARD:

November 28, 2000

JUDGMENT DELIVERED:

December 21, 2000

SUBJECT:**Criminal Law, Criminal Code s. 515 (12), s. 127(1)****SUMMARY:**

The appellant was convicted of three counts of disobeying a court order contrary to s. 127(1) of the **Criminal Code** on the basis that he had breached an order to have no contact with the alleged victim of an assault charge made pursuant to s. 515(12) of the **Code**. The s. 515(12) order had been included in an order remanding the appellant into custody pending trial made under s. 515(5). The appellant was convicted after trial and remanded pursuant to s. 523 pending sentence. The second remand order did not contain any reference to the s. 515(12) order. The dates of alleged contact with the assault victim were after the trial.

ISSUES:

Was the s. 515(12) order to have no contact with the assault victim in effect at the time of the alleged contact with her?

RESULT:

Appeal allowed. The no contact order was no longer in effect at the time of the alleged contact with the assault victim.

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