

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Francis*, 2011 NSCA 113

Date: 20111209

Docket: CAC 338339

Registry: Halifax

Between:

Tony Francis

Appellant

v.

Her Majesty the Queen

Respondent

Judge:

The Honourable Justice Joel E. Fichaud

Appeal Heard:

November 29, 2011 in Halifax, Nova Scotia

Subject:

Conviction for impaired driving - unreasonable verdicts

Summary:

Mr. Francis was seen driving into the oncoming traffic lane and almost losing control as his truck made a turn. He failed to stop when a police officer activated the siren. The officer noticed a strong smell of alcohol, and that Mr. Francis had slurred speech, lethargy and confusion. The Provincial Court convicted Mr. Francis of impaired driving contrary to s. 253(a) of the *Criminal Code*. The Summary Conviction Appeal Court held that the verdict was not unreasonable, and dismissed Mr. Francis' appeal. Mr. Francis appealed to the Court of Appeal.

Issue:

Did the Summary Conviction Appeal Court err by ruling that the conviction was not an unreasonable verdict?

Result:

The Court of Appeal dismissed the appeal. The Summary Conviction Appeal Court judge did not err in the application of the tests that govern whether the verdict was unreasonable.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 6 pages.