

CASE NO.

Cite as: McCarthy v. Bedford, 1995 NSCA 210

VOL. NO.**PAGE****DAVID PAUL M^cCARTHY**

-and -

**DIANNE MARGARET BEDFORD
and ROBERT WILLIAM BEDFORD**

(Appellant)

(Respondents)

C.A. 117472

Halifax, N.S.

FREEMAN, J.A.

APPEAL HEARD:

November 21, 1995

JUDGMENT DELIVERED:

November 21, 1995

SUBJECT:

Family Law, Custody, Reciprocal Orders, Best Interests.

SUMMARY:

Father of three young children, charged with murdering their mother in British Columbia, appealed from order of Supreme Court of Nova Scotia giving permanent custody to their mother's sister and her husband following interim orders in British Columbia and Newfoundland.

ISSUES:

Whether appellant should have been granted adjournment to present more evidence, whether chambers judge had sufficient evidence to support order, whether appellant should have had further opportunity to cross-examine deponents of affidavits.

RESULT:

Appeal dismissed. Appellant had reasonable notice of proceedings and had been represented and present in the British Columbia hearing when the affidavits were first presented. The custody order was in the best interests of the children.