

NOVA SCOTIA COURT OF APPEAL

Matthews, Freeman and Roscoe, JJ.A.

Cite as: R. v. Doucette, 1993 NSCA 104

BETWEEN:

WAYNE CHARLES DOUCETTE)	
)	
W. Andrew Ionson)	for the Appellant
)	
Appellant)	
)	
- and -)	
)	William D. Delaney
)	for the Respondent
HER MAJESTY THE QUEEN)	
)	
)	
)	Respondent
)	Appeal Heard:
)	March 18, 1993
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)	
)	Judgment Delivered:
)	March 18, 1993
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THE COURT: Leave to appeal permitted but the appeal is dismissed per oral reasons for judgment of Matthews, J.A.; Freeman and Roscoe, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally by:

MATTHEWS, J.A.:

After hearing testimony and the submissions of counsel at a preliminary inquiry, Judge John R. Nichols on February 10, 1992, committed the appellant to stand trial. On appeal, in the nature of **certiorari** from that decision, Judge Charles E. Haliburton, L.J.S.C. reviewed the evidence, heard counsel and by written decision dated October 22, 1992, denied the **certiorari** application.

This is an application for leave to appeal and if that is granted, appeal from the decision of Judge Haliburton.

After reading the material placed before us and hearing counsel it is our unanimous opinion that Judge Haliburton did not err in concluding that Judge Nichols did not exercise his discretion improperly in committing the appellant for trial.

While we permit leave to appeal, we dismiss the appeal.

J.A.

Concurred in:

Freeman, J.A.

Roscoe, J.A.

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WAYNE CHARLES DOUCETTE

Appellant

- and -
FOR

BY:
HER MAJESTY THE QUEEN

Respondents

)
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) REASONS
) JUDGMENT
)
) MATTHEWS,
) J.A.