

**NOVA SCOTIA COURT OF APPEAL**  
**Citation:** *R. v. Liberatore*, 2014 NSCA 109

**Date:** 20141210  
**Docket:** CAC 426874  
**Registry:** Halifax

**Between:**

Michael Vincent Liberatore

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Joel E. Fichaud

**Appeal Heard:** November 27, 2014, in Halifax, Nova Scotia

**Subject:** Search warrants

**Summary:** A justice of the peace issued a search warrant for Mr. Liberatore's premises. The Information to Obtain alleged the presence of illegal handguns and ammunition. The search located drugs and a knife that opens by centrifugal force. Mr. Liberatore was charged with narcotics and weapons offences. He challenged the basis for the search warrant. The trial judge held that the Information to Obtain was sufficient and the seized evidence was admissible. Mr. Liberatore was convicted. Mr. Liberatore appealed to the Court of Appeal.

**Issues:** Did the trial judge err in his ruling that the Information to Obtain sufficed for the search warrant?

**Result:** The Court of Appeal dismissed the appeal. The trial judge correctly ruled that the issuing justice of the peace, having recourse to the totality of the circumstances, could conclude

that there were reasonable and probable grounds to establish a factual nexus between the offences for which the warrant was sought and the premises to be searched.

***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 12 pages.***