

CANADA  
PROVINCE OF NOVA SCOTIA  
COUNTY OF ANTIGONISH

C. AT. No. 2687  
C. AT. No. 2688  
C. AT. No. 2689

IN THE COUNTY COURT FOR DISTRICT NUMBER SIX

BETWEEN:

HER MAJESTY THE QUEEN

Appellant

-and-

WALLACE STANLEY MURRAY

Respondent

Ronald J. MacDonald, Esq., Solicitor for the Appellant  
Milton J. Veniot, Q.C., Solicitor for the Respondent

1992, October 1, MacLellan, J.C.C.:

This is an appeal by the Crown from an Order of Dismissal issued by Judge Clyde MacDonald, Judge of the Provincial Court, whereby he dismissed all three charges against the Respondent.

The Respondent was charged as follows:

"1. That he did on or about the 14th day of December, 1990, at or near Dunmaglass, Antigonish County, Nova Scotia, did unlawfully commit the

offence of hunting moose out of season contrary to Section 5(2), of the Moose Regulations.

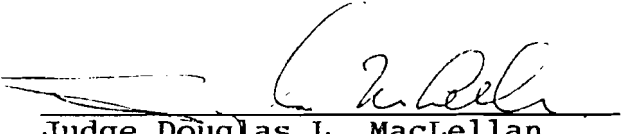
2. That he did on or about the 14th day of December, 1990, at or near Dunmaglass, Antigonish County, Nova Scotia, did unlawfully commit the offence of possessing in a wildlife habitat a shotgun loaded with ball or slug contrary to the Regulations 4(5), Wildlife Regulations.

3. That he did on or about the 14th day of December, 1990, at or near Dunmaglass, Antigonish County, Nova Scotia, did unlawfully commit the offence of hunting moose out of season contrary to Section 5(2), of the Moose Regulations."

The Crown filed and served a Notice of Appeal in regard to all three charges on the 10th day of May, 1991, and the matter came before this Court on June 9th, 1992 at which time the matter was set over for hearing on September 22nd, 1992 to consider a **Charter** application made on behalf of the Respondent under Section 11(b) of the **Charter of Rights**.

At the time of the hearing of this matter, it was agreed between the parties that this appeal would be dealt with on the issues raised in the appeal of a co-accused one Lawrence Legere. This Court has rendered a decision in that matter and that decision is attached hereto.

In light of the ruling on the appeal of Mr. Legere, I hereby order a stay of proceedings under Section 24(a) of the **Charter of Rights**.

  
Judge Douglas L. MacLellan  
County Court Judge  
District Number Six