

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: MacKinnon v. Bonnar, 2006 NSSC 55

Date: 20060220

Docket: SN 114631

Registry: Sydney

Between:

William Darrell MacKinnon

Plaintiff

v.

Simon Wilfred “Bossy” Bonnar

Defendant

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Judge: The Honourable Justice Frank Edwards

Heard: September 27, 29, 30 October 12, December 6, 2005 and
February 17, 2006 in Sydney, Nova Scotia

Subject: Tort - assault - weighing credibility.

Facts: Plaintiff went to Defendant’s residence at 3 a.m. in company with two friends. Plaintiff challenged Defendant to come outside to fight – also some evidence of threats by Plaintiff and his companions. Defendant comes out with semi-automatic shotgun and fires warning shot in the air. Defendant lowers gun which Plaintiff grabs. Gun discharges. Plaintiff suffers gunshot wound to ankle.

Issue: Whether shooting accidental or intentional.

Result: Shooting accidental. Defendant and his witnesses more believable than Plaintiff and his witnesses. Defendant’s evidence in accordance with the preponderance of probabilities in the case. Plaintiff failed to discharge burden of proof; that is, satisfy Court on a balance of probabilities that shooting was intentional.

Cases Noted: *MacMillan v. Hincks* (2002) 313 A.R. 150 (Alta Q.B.)

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