

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. MacLean, 2002 NSSC 283

Date: 20021231

Docket: CRSAT 2702

Registry: Antigonish, N.S.

Between:

Her Majesty the Queen

v.

Roderick James MacLean

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HEARD: At Antigonish, N.S. on November 28, 2002.

DECISION: December 31, 2002.

ISSUES

- (1) Whether accused could re-elect to trial by judge alone after being put in charge of jury;
- (2) Whether the contempt provisions of the Civil Procedure Rules or s. 31 of the Matrimonial Property Act constituted “other mode of proceeding” under the exception in s. 127;
- (3) Whether uninvited visits by accused amounted to disobedience of the order.

HELD:

Accused entitled to re-elect with Crown's consent.

The contempt provisions of the Civil Procedure Rules and s. 31 of the Matrimonial Property Act are "other modes of proceeding".

The action of the accused was not in disobedience of the order. Charges dismissed.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS COVER SHEET
