

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN,

Appellant

and

BRIAN JOSEPH EDWARD LARAMEE,

Respondent

REASONS FOR JUDGMENT OF THE
HONOURABLE MR. JUSTICE W. G. MORROW

01-Mar-1973

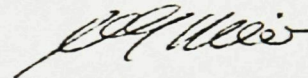
The Crown takes the present appeal from an acquittal handed down by His Worship Magistrate M. M. de Weerd, Q.C. on February 2, 1973. The appeal was entered for hearing on February 26th and the date for the *de novo* trial fixed for May 16th, 1973 at Yellowknife. By agreement counsel came before me on the 26th and asked for an advance ruling on the legal point as to whether the Crown could appeal from an acquittal under Part XXIV in view of the language of Section 2(e) of the *Canadian Bill of Rights*, 1960 S.C. c. 44.

Counsel for the respondent in arguing against the Crown's right of appeal presented a very interesting and persuasive argument, based mainly on "due process of law" and "double jeopardy". Counsel for the Crown relied on the decision of the Nova Scotia Supreme Court of *R. v. Jordan* (1971) 1 C.C.C. (2d) 385.

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I have carefully read the above judgment and the references contained therein. I find myself in complete agreement with the reasoning and result arrived at by the learned Chief Justice.

Accordingly in the present appeal my conclusion is against the contention put forward by counsel for the Respondent, and I direct that the Crown, Appellant, may proceed with a *de novo* appeal on the date mentioned above.



W. G. Morrow

Yellowknife, N.W.T.
1 March, 1973.

Counsel: Appellant, P. Asselin
Respondent, B. Waller