

**NOVA SCOTIA PUBLIC PROSECUTION SERVICE
2005-06 Statistics**

Criminal Code Charges 2
Provincial Statute Charges 4
Appeals Activity 5

Criminal Code Charges in Provincial Court by Offence Category and Judicial Centre 2005-06

OFFENCE CATEGORIES	HALIFAX	DARTMOUTH	AMHERST	KENTVILLE	BRIDGEWATER	NEW GLASGOW
Homicide & Related	1	0	0	1	0	0
Attempted Murder	12	4	0	0	1	0
Robbery	243	73	2	2	9	4
Sex Assault	63	33	4	48	26	7
Sexual Abuse	19	11	0	49	7	4
Kidnaping	44	48	8	6	13	1
Abduction	0	0	1	0	0	0
B&E	339	141	45	100	67	66
Weapons	489	272	36	110	35	27
Fraud	568	2087	31	241	88	148
Major Assault	645	286	45	89	69	46
Simple Assault	919	582	154	224	172	172
Theft	1102	461	108	281	123	145
Stolen Property	1049	484	70	163	39	119
Arson	15	12	2	2	12	8
PD - Mischief	396	207	96	203	143	81
Morals - Sex	81	57	0	5	12	1
Morals - Gambling	1	0	0	0	0	0
Public Order	44	16	19	11	23	18
CC Traffic	108	112	27	49	30	39
Admin Justice	2733	1456	413	675	450	556
Impaired Driving	529	648	141	287	221	264
Other CC	930	519	111	153	122	121
Unknown	0	0	1	0	0	0
TOTAL	10,330	7,509	1,314	2,699	1,662	1,827

Continued..

**Criminal Code Charges in Provincial Court
by Offence Category and Judicial Centre 2005-06**

OFFENSE CATEGORIES	SYDNEY	TRURO	ANTIGONISH	PORT HAWKESBURY	YARMOUTH	DIGBY	TOTAL
Homicide & Related	1	1	0	0	0	0	4
Attempted Murder	6	1	0	0	1	2	27
Robbery	21	10	9	0	2	2	377
Sex Assault	42	16	2	11	16	9	277
Sexual Abuse	11	18	4	3	5	14	145
Kidnaping	13	21	0	3	2	3	162
Abduction	0	0	1	0	0	0	2
B&E	150	98	37	77	132	46	1,298
Weapons	164	96	19	43	91	34	1,416
Fraud	307	270	42	23	79	29	3,913
Major Assault	281	127	30	32	59	33	1,742
Simple Assault	605	198	75	123	161	127	3,512
Theft	535	310	47	54	120	79	3,365
Stolen Property	215	239	23	9	74	23	2,507
Arson	11	5	0	7	3	4	81
PD - Mischief	323	110	62	49	160	78	1,908
Morals - Sex	6	6	0	2	3	6	179
Morals - Gambling	0	0	0	0	0	0	1
Public Order	57	30	5	18	34	16	291
CC Traffic	74	47	17	27	42	38	610
Admin Justice	2597	716	252	390	593	360	11,191
Impaired Driving	421	336	211	208	208	185	3,659
Other CC	622	158	56	74	128	98	3,092
Unknown	1	0	6	0	0	0	8
TOTAL	6,463	2,813	898	1,153	1,913	1,186	39,767

Provincial Statute Cases by Judicial Centre 2005-06

	MOTOR VEHICLE ACT	LIQUOR CONTROL ACT	OTHER PROVINCIAL STATUTES	TOTAL
HALIFAX	1,194	77	112	1,383
DARTMOUTH	162	3	66	231
AMHERST	91	47	61	199
KENTVILLE	316	51	70	437
BRIDGEWATER	261	44	122	427
NEW GLASGOW	128	80	53	261
SYDNEY	250	38	123	411
TRURO	201	34	79	314
ANTIGONISH	114	32	22	168
PORT HAWKESBURY	109	19	52	180
YARMOUTH	170	33	85	288
DIGBY	184	31	34	249
TOTAL	3,180	489	879	4,548

Appeals Branch Statistics

The following are statistics related to the operations of the Appeals Branch covering the period April 1, 2005 to March 31, 2006.

The Branch participated in 27 appeals heard by the Court of Appeal.

Of this number:

- 6 were initiated by the Crown
- 21 were initiated by the offender.

Of the 6 appeals initiated by the Crown:

- 1 dealt with acquittal
- 2 dealt with sentence
- 3 dealt with the refusal of DNA or **SOIRA** orders.

Of the 21 appeals initiated by offenders:

- 11 dealt with conviction only
- 3 dealt with sentence only
- 5 dealt with conviction and sentence
- 2 dealt with applications to adduce fresh evidence on appeal.

The Appeals Branch also participated in 12 appeals which were abandoned, quashed or dismissed without a full hearing in the Court of Appeal, or were ordered transferred to the summary conviction appeal court

Of these:

- 2 were initiated by the Crown
- 10 were initiated by offenders.

The Appeals Branch also participated in 101 Chambers motions – applications heard by a single judge of the Court of Appeal. Chambers motions include applications for hearing dates, adjournments, bail pending appeal, extensions of time for appeal, directions in appeals, and striking appeals from the Court's docket. The Appeals Branch dealt with four notices of application for leave to appeal to the Supreme Court of Canada – one initiated by the Crown and three by offenders. The Appeals Branch filed one notice of intervention in a Supreme Court of Canada appeal. Decisions were received from the Supreme Court in four leave applications, one initiated by the Crown and three by the defence. Counsel in the Appeals Branch participated in two hearings in the Supreme Court of Canada, and received judgment in three appeals.

Counsel in the Appeals Branch received the judgment of the Supreme Court of Canada in *R. v. Marshall and Julian et al.* (the Native logging case). The accused, all aboriginals in Nova Scotia, were convicted at trial in Provincial Court on charges of illegally cutting timber on Crown lands. The defendants had claimed aboriginal title to the land and treaty rights to cut and collect timber. A summary conviction appeal to a judge of the Supreme Court of Nova Scotia was dismissed in 2002 and a further appeal to the Nova Scotia Court of Appeal was argued in March, 2003. In the autumn of 2003, the Court of Appeal handed down its decision allowing the appeal by the defendants and ordering a new trial. The Crown was granted leave to appeal by the Supreme Court of Canada and the appeal was argued in January, 2005. Judgment was received on July 20, 2005, in which the Supreme Court allowed the Crown's appeal and restored the convictions. The Crown had also participated, by intervention, in a similar case on appeal from the New Brunswick Court of Appeal – *R. v. Bernard*. These appeals are major cases dealing with Native treaty rights.

Counsel in the Appeals Branch were also involved in two major murder appeals pending in the Court of Appeal – *R. v. Assoun* and *R. v. Smith and James*.