

IN THE PROVINCIAL OFFENCES COURT

HER MAJESTY THE QUEEN

against

JOHN PARROTT

* * * * *

A P P E A L P R O C E E D I N G S

* * * * *

BEFORE HIS HONOUR JUDGE G. L. YOUNG
on November 21, 1988, at BRAMPTON, Ontario

* * * * *

CHARGE: Section 119 (1 H.T.A.

* * * * *

APPEARANCES:

MR. M. NEVINS
MR. S. PARKER

Provincial Prosecutor
Agent for Mr. Parrott

* * * * *

MR. NEVINS: Number 29, John Parrott.

MR. PARKER: Yes, Your Worship...Your Honour.

THE COURT: I would like to hear from the Crown on this one as well first.

MR. NEVINS: Yes, Your Honour, I did read the transcript on this and it rang a bell of course because I was involved in it. I do recall one particular situation....

THE COURT: He made it through the first two lanes.

MR. NEVINS: Yes.

THE COURT: I have difficulty squaring that with what the charge was.

MR. NEVINS: Your Honour, I have no difficulty or at least I had no difficulty in proceeding with that particular trial. I thought it was the correct charge, as a matter of fact today I still feel it was the correct charge because of course our roads are getting wider all the time and it's the only one that would fit under the circumstances. The one difficulty that I do see, however is the fact that I don't think there ever was a sighting of the van coming out from that particular driveway. It was purely speculation at the trial.

THE COURT: Well I am going to allow the appeal and set aside the conviction.

MR. PARKER: Thank you, Your Honour. The fine was paid prior to....

THE COURT: The minimum fine. The fine to be refunded.

MR. PARKER: Thank you, Your Honour.

THIS IS TO CERTIFY THAT the
foregoing is true and accurate
to the best of my skill and ability.

Bunny Perno-Horne,
Certified Court Reporter.

5

10

15

20

25

30