

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Melvin, 2009 NSSC 340

Date: 20091112

Docket: CRH 297590

Registry: Halifax

Between:

Her Majesty the Queen

Plaintiff

v.

Corey Patrick Melvin and Andrew Jason Hudder

Defendants

Restriction on publication: Restriction on publication pursuant to s.486.5 of the **Criminal Code**.

Judge: The Honourable Justice Kevin Coady

Heard: October 29, 2009, in Halifax, Nova Scotia

Decision: November 12, 2009

Counsel: John Scott, for the provincial crown
Warren Zimmer for Andrew Hudder
Josh Arnold, QC for Corey Melvin
Elizabeth Buckle for Cst. A
Martin Ward, QC for Deputy Chief McNeil and Halifax
Regional Police

By the Court:

Addendum

[1] This is a first addendum to my rulings of August 18, 2009 (2009 NSSC 249) and October 16, 2009 (2009 NSSC 307).

[2] In the former I directed that Halifax Regional Police transfer Cst. A's "bank account" discipline file to the Crown. I directed the Crown to apply conventional *Stinchcombe* and *McNeil* principles and to provide disclosure to the defence. I stated at page 35:

"In the event that the first party disclosure leaves the accused less than satisfied they are free to request this court to review the remaining records, the second step in O'Connor."

[3] In the latter decision I ordered production of an unvetted copy of the bank account file to the Court. I indicated that I would then conduct step 2 of the *O'Connor* regime by balancing the competing interests and determining whether anything more should be disclosed to the Defence.

[4] On October 29, 2009 the Crown provided me with an unvetted copy of the “bank account” file. I am satisfied that this file is an exact duplicate of the earlier vetted file.

[5] There is only one document that should be disclosed and it is attached to this ruling as Schedule “A”. The vetted line relates to the address of the bank involved and the name of the bank officer has been deleted.

J.

SCHEDULE "A"

Staff Sgt Kennedy:

With respect to the event in question, your officer opened an account through me at the [REDACTED] in May or April 2007. He explained that he was an undercover police officer and needed the account to purchase illegal items for the purposes of his investigations. He provided me with his identification and badge and a second set of identification under which the account was to be opened. He was very explicit about the fact that the account be opened under this separate identity for his safety. He provided me with a Nova Scotia ID card (or driver's license, can't remember which) a government issued inmate card stating his pseudonym and the institution he was released from. The account that was opened was, at the time a Companion savings account that included 2 free transactions per month. However, the account type could have easily been changed since then. I hope this information helps you in the investigation, please email me if you feel I can be of anymore assistance.