



MEDIA ADVISORY: WEBCAST OF COURT PROCEEDING

Tuesday, Jan. 26, 2021 (Halifax, NS) – Members of the media are advised that the following proceedings in the Nova Scotia Court of Appeal will be livestreamed on the Courts of Nova Scotia website on Thursday, Jan. 28:

CAC 495561 - Cheryl Gardner Vs. Her Majesty the Queen
CAC 495793 - Dan Fraser Vs. Her Majesty the Queen
CAC 500442 - Her Majesty the Queen Vs. Dan Fraser, Cheryl Gardner

All three appeals are related to a criminal jury trial in the Supreme Court of Nova Scotia. On Nov. 10, 2019, a jury found Special Constables Dan Fraser and Cheryl Gardner guilty of criminal negligence causing the death of Corey Rogers, who died in a cell at the Halifax Regional Police station in 2016.

On Aug. 17, 2020, Justice Kevin Coady suspended the passing of sentence (a suspended sentence) and imposed three years' probation for each defendant. Justice Coady's oral decision was livestreamed and the archived video is available on the Courts' website at https://www.courts.ns.ca/Webcasts/webcasts_archive_trials.htm. A written copy of his decision is available online [here](#).

Counsel for Ms. Gardner and Mr. Fraser are appealing the convictions, arguing that the trial judge erred in his instructions to the jury. They are asking that the convictions be quashed, and a new trial ordered. The Crown has also filed an appeal of the sentence the defendants received. The appellants cross-appeal from sentence on the basis that the Criminal Code sections denying them the availability of a conditional sentence are unconstitutional.

The appeal hearing is scheduled to begin at 10 a.m. AST on Thursday, Jan. 28. These matters will be heard by Justice Duncan Beveridge, Justice David Farrar, and Justice Anne Derrick. The panel of judges will appear in person in Courtroom 502 at the Law Courts, with counsel appearing virtually via Skype. The public can watch the livestream of the hearing on the Courts' website [here](#).

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