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R. v. Ruvinsky

**Between
Her Majesty the Queen, and
Lewis Ruvinsky**

[1998] O.J. No. 3621

Ontario Court of Justice (Provincial Division)
Toronto, Ontario

Omatsu Prov. J.

Heard: March 26, July 29, 30, September 3, 1998.

Judgment: September 11, 1998.

(23 pp.)

Criminal law -- Wilful acts respecting property -- Animals -- Poisoning animals -- Bestiality -- Civil rights -- Security of the person -- Law enforcement -- Hair and body fluid samples -- Property -- Search and seizure -- Consent to search or seizure.

This was the trial of an accused on charges of bestiality and poisoning animals. A witness reported that the accused digitally penetrated the anus of his male dog, and let one of his dogs lick his genitals. She also reported that both of the accused's dogs were permitted to lick and sniff cocaine, which was present in the accused's living room. The dogs were taken into custody by animal control authorities, and their fur and urine was subsequently tested for the presence of cocaine. The tests showed trace elements of cocaine in the dogs' urine and fur. The accused argued that the seizure of the dogs, and the testing of the fur and urine, was done without a warrant and without his consent. He claimed that his rights under the Canadian Charter of Rights and Freedoms had been violated.

HELD: The accused was acquitted. Bestiality included anal or vaginal intercourse with an animal by a man or a woman. This definition did not include digital penetration of the dog, or a dog's licking a human's genitals. The seizure of the dogs for their safe keeping was not a breach of the accused's rights under section 8 of the Charter. The taking of the dogs' fur and urine samples constituted a minor violation of the accused's Charter rights. However, the real evidence obtained was non-conscriptive, and its admission did not render the trial unfair. Accordingly, the dogs' hair and urine was admitted into evidence. However, given the problems with continuity of this evidence, the samples were given little weight. The Crown did not introduce any evidence that cocaine was a harmful drug to animals.

Statutes, Regulations and Rules Cited:

Canadian Charter of Rights and Freedoms, 1982, ss. 7, 8.

Criminal Code, ss. 155, 160(1), 446(1)(e).

Ontario Society for the Prevention of Cruelty to Animals Act, s. 12.

Counsel:

C. Barry, for the Crown.

K. Mulligan, for the defendant.

OMATSU PROV. J.:--

BACKGROUND

1 Lewis "Justice" Ruvinsky, 39, manager and owner of six after hours clubs in downtown Toronto, was charged with two counts of bestiality and two counts of administering cocaine to his dogs, "Lover", then a male Doberman 13 months of age (D.O.B. May 7, 1996), and "Babe", a female Doberman 2 1/2 months old (D.O.B. March 11, 1997), between May 22, 1997 and June 2, 1997, contrary to the Criminal Code sections 160 and 446. The Crown proceeded summarily.

EVIDENCE

2 During the four days of evidence, the Court heard from fourteen witnesses, six for the Crown and eight for the Defence. As well, there were five exhibits before the Court.

3 The sole Crown witness on these charges was Jennifer "Crazy Jennie" Rowden, 23, a former prostitute who had frequented two of Defendant's establishments. Ms. Rowden's evidence was that the Defendant digitally penetrated his male Doberman's anus and let one of his dogs lick his genitals. She also said that Ruvinsky allowed his dogs to lick and sniff cocaine that was on a living room table on three or four occasions. She stated that the dog's "nose would be white, that it would shake its head, get all giddy and stuff." All events were alleged to have occurred before witnesses at the Defendant's home and after hours club, at 263 Wellesley, in Toronto.

4 It was the testimony of the Defendant and five others (Israel Innis, 24, the Defendant's former business partner; Diane Ferrato, 26, a patron of the Defendant; Christina O'Dowd, 30, an exotic dancer and the Defendant's surety; Rhianon Haden, 21, a former employee of the Defendant and resident at 263 Wellesley; and Shawn Clyde, 22, a former employee of the Defendant and resident at 263 Wellesley) that Ms. Rowden's evidence was untrue, that she had reasons to fabricate her allegations, and that they had never witnessed the incidents described by her.

5 As a result of Ms. Rowden's complaint, on July 26, 1997 at 11:20 a.m., Joe Dobeshene, an employee of the City of Toronto animal control unit, on instructions from the Toronto Humane Society (THS), went to 263 Wellesley, the Defendant's home and club, to pick up "Lover" and "Babe". The THS wanted the dogs brought in "for investigation" because the police had advised that their owner was in custody and because there were concerns about the dogs' welfare. Mr. Dobeshene did not have a warrant. As Mr. Dobeshene was aware that the Defendant had been arrested, he asked Gord Horseman, whom he knew to be a resident of the house and not the dogs' owner, to turn over the dogs. Mr. Horseman refused, so Mr. Dobeshene called the Toronto police for assistance.

6 At 12:01 p.m., Detectives Swan and Tracy arrived at the Defendant's home and advised Mr. Horseman that the Defendant was in custody on the charge of assaulting Danny Hagan, the boyfriend of Jenny Rowden, and that because of other allegations of Ms. Rowden, there were concerns regarding the dogs' well being. It was the evidence of Detective Swan that after a short conversation, Mr. Horseman walked the dogs out of the house and took them over to Animal Control. Detective Swan did not have a warrant. He said that the police attended to "keep the peace" and that the dogs, seizure was under the authority of the "Ontario Society for the Prevention of Cruelty to Animals Act"

(OSPCA Act). Earlier that day, Detective Swan had arrested the Defendant on other charges and had been given a key to the Defendant's house by the Defendant, who was concerned about his dogs, care.

7 Mr. Horseman signed the Statement of Surrender [Exhibits 1(a) and (b)] and Mr. Dobeshene drove the dogs to the Toronto Humane Society. Laura Boyinton, a Toronto Humane Society employee, told the Court that later on that day she received the dogs from Mr. Dobeshene and initialed Ex. 1(a) and (b). The dogs were taken to the THS investigation room, and put into cages.

8 The Defendant stated that he did not consent to the seizure of his dogs and that they were in the custody of the THS for four days.

9 The Crown called Dr. Copeland, a veterinarian with the Toronto Humane Society. Dr. Copeland testified that two days later, on July 28, 1997, with the assistance of Dr. Carstairs, he obtained one free-flow urine sample in a sterile vial from the male Doberman, "Lover", and took hair samples from both dogs, which were placed in sterile vials. Dr. Copeland said that the screw-top vials were not sealed and that they were left on the counter of the preparatory room for several hours unattended until Dominic Visconti of the investigative department of the THS took the vials to the Hospital for Sick Children for analysis. The dogs were in cages with identification numbers 059852 and 059853.

10 Dr. Copeland's records are missing regarding his examinations of the dogs, and he was unable to remember if the urine sample had been refrigerated or who in the THS investigative unit instructed him to obtain the samples. However, he recalled that the dogs were very friendly and in good condition. Dr. Carstairs and Dominic Visconti did not give evidence.

11 The Crown called Judy Klein (M.A. in organic chemistry), who tests for drug traces in hair at the Hospital for Sick Children. Ms. Klein has been qualified by courts as an expert on the presence of drugs in human hair. This Court did not qualify Ms. Klein as an expert in cocaine in dog hair as her expertise is related to drugs in human, rat, guinea pig and monkey hair and she testified that she had never before tested for cocaine in dog hair or urine. However, based on her experience with other animals, her evidence was that there were "trace elements of cocaine" in "Lover's" urine and as well in the dogs, hairs.

12 Ms. Klein stated that cocaine in urine indicated ingestion two to four days before the sample was taken and that the presence of cocaine in the dogs' hairs would indicate contact possibly two to four months before on more than one occasion. The allegations against the Defendant are from May 22, 1997 - June 2, 1997, thus making the urine sample findings not probative of the issues before this Court.

13 Ms. Klein washed the hairs before testing them. Accordingly, in her opinion, the presence of drug traces indicated cocaine inside the hair shaft. Ms. Klein advised that given the low level of cocaine found in the hairs, it was possible that the drug traces were a result of second hand smoke, or that the dogs licked themselves after having been patted by persons with cocaine on their hands.

14 Ms. Klein testified that she received one urine sample and two hair samples. The samples had THS identification and were numbered 59852 and 59853. Her evidence was that the samples were received on July 29, 1997, that she ran her tests on Aug. 5-6, 1997 and that she wrote up her report on Aug. 7th, 1997. This report (Exhibit 3) was addressed to Dr. John Allen, who did not testify. Ms. Klein received the hair samples in "letter-type white sealed envelopes" with the dogs' numbers on them. She put the envelopes in a locked drawer in her office and the urine in the refrigerator so that it would not spoil. After she completed her tests with the hairs she put them into a brown envelope.

15 Two veterinarians, Drs. Hurdle and Irving, were called by the Defence. At the request of the police, Dr. Sylvia Hurdle had examined the two dogs for sexual abuse and mistreatment. It was her evidence, and this was conceded by the Crown, that there was no evidence of digital or penial penetration of the dogs. It was acknowledged that it would be unlikely that there would be evidence of penetration, given the time gap between the allegations and the examinations. Dr. Hurdle said that she required an assistant to restrain the dogs because dogs are intolerant of anything invasive and

that "lots of restraint would be required to insert an object larger than a finger into a dog's rectum." Dr. Hurdle testified that puppies are even more "intolerant of anything invasive". She stated that dogs might sniff cocaine but that they do not like powder in their noses. Dr. Hurdle said that the Defendant's dogs were well behaved and exhibited no fear of people.

16 The Defence also called Dr. Michael Irving, the dogs' veterinarian. Dr. Irving said that unless a dog is "very sick, in terrible condition, or anaesthetized", it would need to be restrained by one or two people or muzzled to insert a rectal thermometer. He stated that he had seen dogs who had ingested cocaine, that they were "hyper excited", and that such a dog would require more restraint if it was under the influence of cocaine to perform an anal examination.

17 Dr. Irving testified that he had observed a dog that had been sodomized. He observed that this dog did not trust men and became "hysterical" if a man went near his rear end. He said that he did not witness such behaviour from "Lover" and "Babe". He stated that he can spot an abused dog because such a dog will be fearful and stay away from the abuser.

18 Dr. Irving reported that dogs "sniff aromas and vapors", that they like the smell of food, human and animal scents, but that as cocaine was a chemical, it would "not have a favourable scent".

19 As the veterinarian for the "Intelliguard Dog account", Dr. Irving had some knowledge about dogs trained to find drugs. His experience was that the dogs are "taught to be alert to the presence of drugs by their scent, not to grab the drug or ingest it". On the finding of the drug, the dog is given a reward of food, as the drug is not considered a reward by a dog. He said that a reward to a dog must be given immediately, i.e., within seconds, otherwise a dog would not recall why it was being rewarded.

LEGAL ISSUES

20

- i) Does "bestiality" include digital anal penetration by a human of a dog and the licking of a human male's genitals by a dog?
- ii) Were the seizures of the dogs, hair and urine by the Toronto Humane Society, contrary to Secs. 7 and 8 of the Charter of Rights and Freedoms?
- iii) Was there continuity of the dogs, hair and urine samples?
- iv) Is cocaine an "injurious drug" to animals?

DISCUSSION

I. On the two charges of "bestiality":

- i) "bestiality"

21 Sec. 160(1) of the Criminal Code says:

Every person who commits bestiality is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

22 "Bestiality" has been a taboo in Judeo-Christian societies for millenia. It is prohibited in the Old Testament. Leviticus 18:23 says "Do not have sexual relations with an animal and defile yourself with it." Exodus 22:19 "Anyone who has sexual relations with an animal must be put to death."

23 "Bestiality" is not defined in the Criminal Code. According to Crankshaw's Criminal Code "There are no Canadian

decisions which define buggery, or bestiality, or even cite the English definitions."

24 The Canadian case law for this offence is limited. The only published decision for this offence that has been brought to my attention is the decision of Cashman, J. (B.C. County Court) in *R. v. Triller* 55 C.C.C. (2d) 411 (1980). I am also aware of three decisions that refer to the term "bestiality": i) *R. v. R.(D.F.)* [1986] N.W.T.J. No. 35, No. S.C. 3533, a decision of de Weerd, J.; ii) *R. v. K.S.* [1996] O.J. No. 2346, a decision of Renaud, J., (Ont. Court Provincial Division); and iii) a civil court decision of De Graves, J. in *K.F.B. v. K.E.B.* (1991), 71 Man.R. (2d) 265.

25 In *Triller*, the Defendant (a male) was found guilty of the offence of attempted "bestiality". The Defendant had been seen by two witnesses to have attempted on "at least three occasions" to have had sexual intercourse with a (male) dog, and animal hairs of the same specie of the dog in question were found on the Defendant's pants and undershorts by the R.C.M.P. Crime Detection Laboratory. The Court found that "It was clear that the accused attempted to have sexual intercourse with the dog, and that such attempt went beyond mere preparation and constituted an attempt in law."

26 In *Triller*, there is a review of definitions of "bestiality" from the Oxford English and Black's Law Dictionaries, Halsbury's Laws of England, Wharton's Law Lexicon, and reference was made to several dated English and American cases.

27 In *R. v. R.(D.F.)*, the defendant was charged with buggery and sexual assault on a woman. On a motion to quash the buggery indictment on the grounds that buggery is no longer an offence known to Canadian law, de Weerd, J. said: "The terms 'buggery' and bestiality, are not defined in the Criminal Code. The use of both terms in s. 155 leaves the obvious conclusion that, for purposes of the Code, bestiality is no longer comprehended in the term 'buggery', as it was at Common Law. Buggery therefore, for present purposes, consists in a man having intercourse per anum with another person."

28 In *R. v. K.S.*, the Defendant faced two counts of sex assault. In the decision of Renaud, J. on a Sec. 8 application under the Young Offender's Act for judicial interim release, reference was made to the Defendant previously having been found guilty of bestiality for having "attempted to fellate a dog and to have the dog penetrate his anus."

29 In *K.L.B. v. K.E.B.* the plaintiff sued her father for sex assault damages. She received an award of \$170,000. In the decision of De Graves, J., the sex abuse included "bestiality (the pet cat and dog were made to or allowed to lick her genitalia)."

30 In earlier editions of the Criminal Code, this section included "buggery or bestiality". Section commentaries stated that: "Buggery by definition includes sodomy and 'sodomy' is defined as an 'unnatural form of sexual intercourse, between males.'"

31 In Halsbury's Laws of England (4th ed.) Vol. 55, Buggery "consists in sexual intercourse per anum by a man with a man or a woman or per anum or per vaginam by a man or a woman with an animal". *R. v. Cozins* (1834), 6 C & P 351.

32 In Tremear's 1999 Criminal Code the notation on "bestiality" is: "In general, bestiality is committed where the Defendant, a human being, carries out intercourse, in any way, with a beast or bird. This form of unnatural sexual indulgence, as well as sodomy, is comprised under the general description 'buggery'. A conviction requires the Defendant's compulsion of another to commit bestiality ... The mental element requires proof that the Defendant intentionally caused the external circumstances of the offence."

33 Crankshaw's Criminal Code commentary defines "bestiality" as "carnal knowledge in any manner by a man or woman with a beast ... Carnal knowledge requires penetration to some degree ... there must be a penetration per anum; a penetration of the mouth does not constitute the offence". *R. v. Jacobs* (1817), 168 E.R. 830 (U.K. C.A.).

34 In the Dictionary of Canadian Law¹, "bestiality" is defined as "The act of a human being having sexual intercourse

with an animal."

35 Today's Criminal Code commentaries appear to be incorporating cases where the Court had to determine whether bestiality took place when the issue was: i) is a duck an animal? R. v. Brown (1889), 24 Q.B.D. 357 (C.C.R.) and ii) must the Defendant and the animal be of the same sex or of opposite sexes R. v. Triller (supra).

36 In my respectful opinion, "bestiality" is anal or vaginal intercourse with an animal, by a man or a woman. This definition is largely consistent with the definitions and case law for the past several centuries. In K.L.B. v. K.E.B., the Court mentioned that the licking of human genitalia by animals was "bestiality". That civil decision, in my opinion is an anomaly. I do not believe that it is my role to expand the definition of this offence to include genital touching or licking. That responsibility lies with Parliament, who in their wisdom, have to date not defined the offence.

37 In this case, the only Crown evidence is that of Jennifer Rowden, who turned away and left the room when she saw the Defendant insert his finger into the male dog's anus.

38 I accept the testimony of the three veterinarians. They are impartial, have no reason to lie to the Court, and unlike many of the witnesses, do not have Criminal records. Their evidence was that:

- 1) the dogs were friendly to humans, well-behaved and in good condition.
- 2) there were no signs of physical penetration of the anus or vagina.
- 3) when a dog has been buggered, the dog dislikes and is fearful of men and will not permit a man near its rear end or get behind it.
- 4) dogs must be restrained, muzzled or sedated to permit digital, let alone penal penetration of the anus. Cocaine is not a sedative but will "hype up" an animal, thus requiring more people to restrain it.

39 I accept the evidence of Drs. Copeland, Hurdle and Irving and reject the evidence of the Complainant, Jennifer Rowden. It follows therefore that the scenario described by Ms. Rowden of the Defendant being able to penetrate "Lover's" anus with his finger without restraint would be unlikely.

40 Secondly, on my view of the evidence, caselaw, literature² and definitions, even if I accepted the Crown's case at its highest, digital penetration of a dog's anus and the licking of a human's genitals by a dog in my respectful opinion, does not constitute "bestiality".

II. On the two charges of cruelty to animals by administering an injurious drug or substance.

41 Sec. 446(1)(e) of the Criminal Code states that Every one commits an offence who

wilfully, without reasonable excuse, administers a poisonous or injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it.

42 According to Black's Law Dictionary "administer" is: "to apply as medicine or a remedy; to give as a dose of something beneficial or suitable. To cause or procure a person to take some drug or other substance into his or her system; to direct and cause a medicine, poison or drug to be taken into the system". The Oxford Dictionary defines "administers" as: "to apply medicine, to dispense, give".

43 Black's Law Dictionary defines "injurious" as: "to injure to harm, damage, hurt, impair, wound the health of". The Oxford Dictionary defines "injurious" as: "wrongful, hurtful, tending to hurt, damage."

44 The Defendant denies that he permitted his dogs to ingest cocaine. The dogs were taken into custody by Animal

Control at the Defendant's home and taken to the Humane Society where hair and urine samples were obtained. The Defendant argues that the seizure of his dogs, hair and urine violated his Charter rights as the seizures were warrantless and without his consent.

ii) Charter violations

45 Section 7 of the Charter states:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

and,

46 Section 8 of the Charter says:

Everyone has the right to be secure against unreasonable search or seizure.

47 In determining this motion, I have considered: i) does the Accused have a reasonable expectation of privacy? and ii) was the seizure an unreasonable intrusion of that right? [R. v. Edwards (1996), S.C.C. 104 C.C.C. (3d) 136 appld.]

48 I find that the Defendant has some privacy rights in his chattel (i.e., the dogs) that warrant Charter protection. As chattel of the Defendant, such reasonable rights to privacy, I suggest, should be given less protection than the Defendant's own personal privacy rights.

49 In determining the reasonableness of the dog seizures and the subsequent hair and urine sample seizures, I considered the following facts:

-- the Defendant was in police custody on other charges, and his two dogs had been left at his home/place of business.

-- no warrant was obtained. However, the police could have obtained the Defendant's consent or under the general warrant provisions of the Criminal Code they could have seized the dogs. Alternatively, pursuant to sec. 12 of the "Ont. Society for the Prevention of Cruelty to Animals Act" (OSPCA), the THS could have obtained a warrant and under the powers of sec. 14 of the OSPCA Act the THS could have seized the animals because there were concerns about their care.

-- the dogs were voluntarily turned over to the Animal Control officer after a discussion with the police by a tenant and employee of the Defendant. There were no allegations of a warrantless search of the Defendant's home by either Animal Control or the police.

50 Due to the circumstances, in my opinion, the seizures of the dogs by Animal Control for their safe keeping was not a breach of the Defendant's Sec. 8 Charter rights.

51 Regarding the subsequent taking of the dogs' hair and urine samples, I have weighed the following factors:

-- the dogs, urine and hair samples were obtained at the Humane Society by two veterinarians.

-- this evidence was necessary for the prosecution of the case.

-- there was some urgency to preserve the evidence, given that the presence of drugs in urine would show ingestion two to three days before the collection and in hair, approximately two to three months before the samples were taken. The dates of the allegations were May 22 to June 2, 1997 and the samples were obtained on July 28, 1997.

52 Accordingly, I find that the animal control officer, the Detectives and the veterinarians were acting in good faith; that there were exigent circumstances which required the seizure of the evidence [R. v. Silveira (1995), S.C.C. 97 C.C.C. (3d) 450 appld. 1; and that in considering the reasonableness of the search and on balancing law enforcement interests with a Defendant's reasonable expectations of privacy [Hunter v. Southam Inc. (1984), S.C.C. 14 C.C.C. (3d) 97 appld.], the seizure of the urine from "Lover" and the hairs from "Babe" and "Lover" constituted a violation, albeit a minor one, of the Defendant's Charter rights [R. v. Calaruso (1994), S.C.C. 87 C.C.C. (3d) 193 appld].

53 Further on a Sec. 24(2) analysis, I find that the evidence, being real, is non-conscriptive; thus its admission does not render the trial unfair. I also believe that the violations are not sufficiently serious that the administration of justice would be thrown into disrepute by their admission. [R. v. Stillman (1997), S.C.C. 113 C.C.C. (3d) 321 appld.]

54 Accordingly, the dogs' hairs and urine are admitted into evidence. Although I do not accept that Ms. Klein is an expert on cocaine in dog hair, I accept her evidence that there were trace elements of cocaine in the urine and in the dogs' hairs.

iii) Continuity of evidence

55 Query: on this issue, has the Crown proven beyond a reasonable doubt that there was no contamination of the samples and that the articles seized by the veterinarians contained prohibited substances, as were found by Ms. Klein, the analyst?

56 i) Security of hair samples: Dr. Copeland stated that the hair and urine samples were put into screw top vials that were unsealed and left unattended in the preparatory room of the Humane Society, until an employee (Dominic Visconti) picked them up and took them to the Hospital for Sick Children.

57 The Court has concerns because: 1) the preparatory room is open to staff, and the room is used to prepare animals for surgery; 2) the vials were unsealed; 3) not initialled; and 4) no Humane Society employee gave evidence regarding what was taken to the Hospital and in what condition.

ii) THS requisition: Dr. John Allen of the THS requisitioned the analysis by Ms. Klein (Exhibit 3). Dr. Allen was not called.

iii) Manner of storage of hair samples: Dr. Copeland's evidence was that the hairs were placed into unsealed vials. Ms. Klein received the hairs in white letter-size sealed envelopes. No explanation was given regarding this change in storage.

58 Canadian case law makes it clear that proof of continuity is not a legal requirement and that gaps in continuity are not fatal to the Crown's case unless they raise a reasonable doubt about the exhibits integrity. [R. v. Dawdy and Lamoureux (1971), 4 C.C.C. (2d) 122 (O.C.A.) in a sealed container; R. v. Orachski (1979), 48 C.C.C. (2d) 217 (Alta C.A.), R. v. DeGraaf (1981), 60 C.C.C. (2d) 315 (B.C.C.A.)

59 Where evidence respecting continuity prior to analysis is not continuous and in taking the evidence as a the whole, there is a reasonable apprehension that the exhibit is not in the same condition as it was at the time of seizure, the courts have generally resolved any doubt in the Accused's favour. Courts have placed reliance on the sender's precautions, namely that the samples were well sealed, initialled and sent by normal commercial means.³ This was not the situation in this case.

60 Mr. Justice Kaufman, in his Report, The Commission on Proceedings Involving Guy Paul Morin⁴ cautioned the

acceptance of fibre and hair evidence. In his Report regarding fibre samples he wrote that the "existence for in-house contamination was known generally within the biology section of the Centre for Forensic Sciences". In my respectful opinion, it is not "mere fantasy of the mind" that the hair samples collected by the THS could have been contaminated with other animal's hair particles, when/if they were transferred from the vials to the envelopes. On my view of the evidence, I am not satisfied beyond a reasonable doubt that the samples taken were the same samples that were analyzed. Thus, given the problems with continuity, they will be given little weight.

iv) Is Cocaine an injurious drug to animals?

61 The Crown Attorney argued that because humans die from cocaine and heroin overdoses, the Court should take judicial notice that cocaine is an "injurious drug to animals". There being no evidence on this point, I find that I am unable to do so.

SUMMARY

62 On my view of the evidence and case law, the case against the Defendant on the two counts of "bestiality" and the two counts of administering an injurious drug have not been proven beyond a reasonable doubt. The Defendant is acquitted.

qp/s/aaa/DRS/DRS

1 Dukelow, D. and Nuse, B., *The Dictionary of Canadian Law*, 2d ed., Carswell, Toronto, p. 111.

2 A.K. Gigeroff, "The Evolution of Canadian Legislation with respect to Homosexuality, Pedophilia and Exhibitionism", *The Criminal Law Quarterly*, 1965? 445

3 McFarlane, Frater and Proulx, *Drug Offences in Canada*, (3d ed.) 1997, chap. 16.

4 Kaufman, Fred, *The Commission on Proceedings Involving Guy Paul Morin*, Queens Printer for Ontario, Toronto, 1998, 7.