

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Muise*, 2015 NSCA 54

**Date:** 20150603

**Docket:** CAC 416537

**Registry:** Halifax

**Between:**

Cody Alexander Muise

Appellant

v.

Her Majesty the Queen

Respondent

**Judge:** The Honourable Justice Joel E. Fichaud

**Appeal Heard:** May 14, 2015, in Halifax, Nova Scotia

**Subject:** Murder and manslaughter – self-defence – jury charge

**Summary:** Mr. Muise was tried for first degree murder in a shooting death. He claimed to have acted in self-defence. The jury found him guilty as charged. Mr. Muise appealed his conviction. He submitted that the judge’s charge to the jury, when discussing whether “unlawfulness”, wrongly restricted or confused the jury’s appreciation of self-defence.

**Issues:** Did the judge’s charge err with respect to the elements of murder and manslaughter, the directions respecting an unlawful act, and the defence of self-defence?

**Result:** The Court of Appeal dismissed the appeal. The judge’s charge, read as a whole, clearly instructed the jury that, unless the Crown satisfied its burden to disprove self-defence, an issue to be decided solely by the jury, then the verdict should be Not Guilty. There is no reasonable possibility that the jury retired with any other impression, or that the jury was misled.

*This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 20 pages.*