

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
M.C., a young offender Appellant	- and -	HER MAJESTY THE QUEEN Respondent
C.A.C. 168264	Halifax, N.S.	ROSCOE, J.A.

[Cite as: R. v. M.C., 2001 NSCA 64]

APPEAL HEARD: April 9, 2001

JUDGMENT DELIVERED: April 19, 2001

SUBJECT: **Criminal Law - Young Offenders Act
S. 56 - Admissibility of Statement**

SUMMARY: The appellant, a young offender, was convicted of three charges as a result of an armed bank robbery, after the trial judge admitted an inculpatory videotaped statement given by him to police. The appellant had submitted that the statement was not admissible because the police officer had made promises, threats and inducements and because he was not afforded the right or opportunity to have his mother present when the statement was given.

ISSUES: Did the trial judge err in law in finding that the statement was voluntary and that the conditions of s. 56(2)(b)(iv) and s. 56(2)(d) of the **Young Offenders Act** were met?

RESULT: Appeal dismissed. The trial judge made no error in law or principle in determining that there were no promises, threats or inducements made by the police officer and that the statement was voluntarily made by the appellant. The trial judge correctly interpreted and applied the provisions of s. 56 to the circumstances of this case. The appellant was properly advised of all of his rights and

given ample opportunity to exercise them, including the right to have his mother present. It was not necessary to start over from the beginning of the informational process once his mother decided that she would leave.

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