

CASE NO.

Cite as: R. v. Mian, 1998 NSCA 189

VOL. NO.

PAGE

SAJJAD RASUL MIAN

- and -

HER MAJESTY THE QUEEN

Appellant

Respondent

C.A.C. No. 148235 & 148615

Halifax

ROSCOE, J.A.

APPEAL HEARD:

October 13, 1998

JUDGMENT DELIVERED:

October 13, 1998

WRITTEN RELEASE OF ORAL:

October 15, 1998

SUBJECT:

Criminal Law, Right NOT to have counsel

SUMMARY:

At his trial on a charge of a breach of a court order, the appellant sought to discharge his lawyer with whom he expressed a total lack of confidence. He wished to represent himself. The request was denied.

ISSUE:

Whether the trial judge erred in by forcing the appellant to have counsel.

RESULT:

Appeal allowed. Although the trial judge was acting in the best interests of the accused, that should not have been determinative. The appellant was denied the right to represent himself. New trial ordered. Cases relied on: **Vescio v. The King**, [1949] S.C.R. 139; **R. v. Romanowicz**, [1998] O.J. No. 12, (Q.L.), 14 C.R. (5th) 100; **R. v. Bowles and Danylak** (1985), 21 C.C.C. (3d) 540 (Alta. C.A.)

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