

CASE NO.**VOL. NO.****PAGE**

Cite as: R. v. Innocente, 1999 NSCA 20

DANIEL JOSEPH INNOCENTE

HER MAJESTY THE QUEEN

- and -

(Appellant/Applicant)

(Respondent)

C.A.C. 155817

Halifax, N.S.

FREEMAN, J.A.
In Chambers**APPEAL HEARD:** July 23, 1999**JUDGMENT DELIVERED:** July 23, 1999**WRITTEN RELEASE OF ORAL:** September 23, 1999**SUBJECT:** Criminal Law; Appeals; Appointment of Counsel. Section 684.

SUMMARY The appellant was convicted on two counts of conspiracy to traffic in narcotics and sentenced to seven years incarceration on each, to run concurrently. He represented himself on his trial before judge and jury, his request to have counsel appointed having been denied. The Crown opposed appointment of counsel on the appeal on grounds that he had sufficient means to obtain legal assistance. The Crown had obtained a restraint order under 462.33 which applied to the appellant's house, in which he had substantial equity and argued that he should seek to have it released to acquire funds for counsel.

ISSUE: Should the court order that counsel be appointed?

RESULT: It was found that the notice of appeal raised arguable issues which the appellant, who lacked legal training, was not able to properly develop on his appeal; it was desirable in the interests of justice that he have legal assistance. In his present circumstances the appellant lacked funds to obtain that assistance. It was ordered that counsel be appointed to be paid by the Attorney General of Canada. As the Crown was laying claim to the value of his house, the net effect on the Crown would be the same whether it paid his expenses or he realized sufficient funds to do so himself from the value of the house.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 8 pages.