

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Gogan*, 2011 NSCA 105

Date: 20111125

Docket: CAC 346923

Registry: Halifax

Between:

Dillan (Dylan) Gogan

Appellant

v.

Her Majesty the Queen

Respondent

and

Stephanie D. Hillson

Intervenor

Judge: The Honourable Mr. Justice Jamie W.S. Saunders

Appeal Heard: October 14, 2011

Subject: **Sentence. Fresh Evidence. Waiver of Solicitor-Client Privilege. Trial Lawyer Granted Intervenor Status. Ineffective Counsel. Miscarriage of Justice.**

Summary: A prisoner appealed his sentence, and asked that it be reduced so that it could be served in a provincial facility. He complained that his lawyer did not consult with him before she agreed to federal incarceration on his behalf. This, he said, constituted ineffective counsel and led to a miscarriage of justice.

Held:

Appeal dismissed. The appellant failed to establish that his trial lawyer's advocacy was ineffective. On the contrary, the legal representation provided was meticulous, professional and exemplary throughout. The appellant instructed his trial lawyer that he preferred federal incarceration. He never waived from those instructions or signaled that he had changed his mind. At all times trial counsel acted in accordance with her client's instructions.

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 12 pages.