

**NOVA SCOTIA COURT OF APPEAL**  
**Citation:** *R. v. MacPherson*, 2018 NSCA 82

**Date:** 20181018  
**Docket:** CAC 463009  
**Registry:** Halifax

**Between:**

Drew William MacPherson

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Peter M. S. Bryson

**Appeal Heard:** October 4, 2018, in Halifax, Nova Scotia

**Subject:** guilty plea withdrawal; uttering threats; fitness to stand trial

**Summary:** Mr. MacPherson pleaded guilty to two charges of uttering threats. He declined counsel. He confirmed he was making his pleas freely, voluntarily and confirmed he understood the effect and consequences of doing so. He later requested counsel for his sentencing pursuant to s. 684 of the *Criminal Code*. His motion was dismissed. Prior to sentencing, the court obtained a psychiatric opinion that the defence of not criminally responsible was unavailable to him. He was sentenced to a total of six months incarceration for uttering threats. Mr. MacPherson appealed, arguing his pleas should be withdrawn because he was not fit at the time of his pleas and that he should be afforded counsel for the appeal.

**Issues:**

1. Should Mr. MacPherson have counsel for his appeal?
2. Should Mr. MacPherson be permitted to withdraw his guilty plea?

**Result:**

Appeal dismissed. While experiencing a mental disability, Mr. MacPherson is a highly intelligent individual. His s. 684 motion was dismissed. The record and psychiatric opinions found Mr. MacPherson freely and voluntarily entered guilty pleas, knowing the effect and consequences of doing so. The offences were made out on the record.

*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 7 pages.*