

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Zwicker*, 2003 NSCA140

Date: 20031212

Docket: CAC 194363

Registry: Halifax

Between:

Her Majesty the Queen

Appellant

v.

Sharon Lorraine Zwicker

Respondent

Judge: Hamilton, J.A.

Appeal Heard: November 20, 2003

Subject: *Section 258(1) Motor Vehicle Act, Use of Statutorily compelled statements*

Summary: The respondent's car was in an accident and did not stop. The respondent later gave a statement to the police pursuant to s.258(1) indicating she was the driver of her car at the time. She was charged under the Motor Vehicle Act with failing to stop at the scene of the accident and failing to yield the right of way. The trial judge held that her statutorily compelled statement breached her s.7 Charter rights and that it was not admissible under s.24(1) of the Charter. She acquitted the respondent.

Issues: 1. Did the trial judge err in law in ruling that the admission of the statement violated the respondent's right against self-incrimination guaranteed by s.7 of the Canadian Charter of Rights and Freedoms;

2. Did the trial judge err in law in ruling that the respondent's admission respecting the identification of the driver of the car at the time the offences were alleged to have been committed should be excluded from evidence under s. 24(1) of the Charter.

Result: Appeal dismissed. The trial judge did not err in applying **Regina v. White** [1999] 2 S.C.R. 417. Although there are differences between the facts of the two cases, the law set out in **White** applies on the facts of this appeal.

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 13 pages.