

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Chaulk*, 2007 NSCA 84

Date: 20070710

Docket: CAC 274065

Registry: Halifax

Between:

Her Majesty the Queen

Appellant

v.

Shane Lee Chaulk

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: June 5, 2007

Subject: Extreme Drunkenness s.33.1 **Criminal Code of Canada**, R.S.C. 1985, c. C-46; “self-induced intoxication”

Summary: The accused committed several assault offences while in a state of extreme intoxication akin to automatism. The judge found that the intoxication was not self-induced and, therefore, he was not precluded from relying on his state by s.33.1 of the **Criminal Code**.

Issue: The Crown appealed alleging that the judge erred in failing to admit evidence of a doctor contradicting that of the accused on the issue of self-inducement and further, erred in stating the test for self-induced intoxication.

Result: Appeal allowed. Rather than admit the contradictory evidence on self-inducement and weigh it with the rest of the evidence, the judge wrongly declined to admit it. He further misstated the test for self-induced intoxication.

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 18 pages.