

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Grouse*, 2004 NSCA 108

Date: 20040916

Docket: CAC 201543

Registry: Halifax

Between:

Draper Grouse

Appellant

v.

Her Majesty the Queen

Respondent

JUDGE: Cromwell, J.A.

APPEAL HEARD: June 16, 2004

JUDGMENT DELIVERED: September 16, 2004

SUBJECT: Criminal Law - *Charter* - Right to Counsel - Admissibility of Confession

SUMMARY: The appellant was convicted of intentionally causing bodily harm to a police officer by shooting at the police vehicle in which she was a passenger. He had been arrested shortly after the shooting and ultimately made inculpatory statements to the police while in custody. At trial, he challenged the admissibility of these statements, arguing that they had been obtained in violation of his right to counsel and that the Crown had failed to prove that they were voluntary. The trial judge ruled against the appellant on both points and entered a conviction. The appellant appealed.

ISSUES:

1. Was the appellant properly advised of his right to counsel?
2. Did the judge err in finding the statements voluntary?

RESULT: Appeal dismissed. The right to counsel issue concerns only the

informational component of the duty. The judge did not err in finding that the police had complied with their informational duties in this case.

The judge did not err in finding the statements voluntary. The judge considered the relevant factors and assessed them cumulatively in reaching his conclusion.

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 24 pages.