

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** R. v. Bradley, 2008 NSCA 57

**Date:** 20080624

**Docket:** CAC 289448

**Registry:** Halifax

**Between:**

Jason Bradley

Appellant

v.

Her Majesty The Queen

Respondent

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**Judge:** The Honourable Justice Roscoe

**Appeal Heard:** June 10, 2008

**Subject:** Criminal Law, Charter, detention

**Summary:** The appellant was a passenger in a motor vehicle that was stopped by police for possible **Motor Vehicle Act** infractions. After he questioned why they were being stopped the police officer asked his name and after some discussion about whether he had to give his name, he did. Upon checking his name on CPIC the police officer learned that the appellant was on a recognizance which included as a term not to consume alcohol. He was found guilty in Provincial Court of breaching the terms of a recognizance. The conviction was upheld upon appeal to the summary conviction appeal court.

**Issue:** Whether the summary conviction appeal court judge erred in law in upholding the decision of the trial judge that the appellant was not detained and that therefore the appellant's rights under sections 9 and 10 of the **Charter of Rights and Freedoms** were not violated.

**Result:** The appeal was dismissed. The trial judge concluded that in the circumstances of this case, there had been no direction or demand given by the police officer and that the appellant was not under any significant physical or psychological restraint and therefore not

detained when he was asked to state his name. The decision of the summary conviction appeal court judge discloses no error of law.

**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.**