

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Doyle, 2009 NSPC 71

Date: November 17, 2009

Docket #: 1930730/731

Registry: Sydney

Between:

The Queen

v.

Elizabeth Ann Doyle

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Judge: A.P. Ross

Oral Decision: November 17th, 2009

Written Decision: March 2nd, 2010

Summary: The accused drove her vehicle off the road for no apparent reason. She climbed out of the car. A bystander assisted her to the nearby shoulder and coaxed her to lie down. An ambulance arrived about ten minutes later. They applied a neck collar, placed her on a stretcher and put her in the ambulance. She complained of a sore leg. A police officer who arrived in the midst of this procedure formed the opinion that the accused had been drinking. He went inside the ambulance with the accused and made a demand for blood samples while still at the scene. The accused refused to comply.

Issue: Where the circumstances known to the officer such that it was impracticable to obtain breath samples, thus justifying a blood demand?

Result: The blood demand was invalid. Refusal did not constitute an offence. The accused was found not guilty.

What constitutes a proper basis for the “impracticable of obtain a sample of breath” requirement is considered. The significance of, and the implications for police practice and medical practice are discussed.

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