

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. C.A.S., 2006 NSSC 215

Date: 20060628

Docket: Cr. S.AT. No. 258379

Registry: Antigonish

Between:

C.A.S.

Appellant

v.

Her Majesty the Queen

Respondent

LIBRARY HEADING

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Judge: The Honourable Justice Douglas L. MacLellan

Heard: June 27, 2006 in Antigonish, Nova Scotia

Written Decision: Wednesday, June 28, 2006

Subject: **Criminal Appeal** - Criminal appeal from conviction of charge under Section 254(2) of the Criminal Code.

Summary: Appellant went to the police station to report domestic assault. Police officers observed symptoms of alcohol consumption and erratic driving as she got out of her vehicle in parking lot. Appellant taken into police station and in interview room police officer gave her a Section 254(2) demand for a breath test. She refused. Trial Judge held appellant not detained until demand given and that demand did not have to be given outside of police station to make demand legal.

Issue: Was demand lawful in these circumstances?

Result: Appeal dismissed. Trial judge's findings were reasonable and he made no error of law.

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