

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Calnen*, 2015 NSSC 291

**Date:** 2015-10-14

**Docket:** CRH No. 426776

**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

Paul Trevor Calnen

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**LIBRARY HEADING**

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- Judge:** The Honourable Justice James L. Chipman
- Heard:** September 28-30, October 1, 5, and 7, 2015 in Halifax, Nova Scotia
- Subject:** *Voir dire* held to determine the admissibility of statements made by the accused to persons in authority.
- Summary:** A six-day *voir dire* was held to determine the admissibility of statements made by the accused to persons in authority. The Crown sought to admit the statements and introduce them for the truth of their contents as part of the Crown's case in the upcoming jury trial.

Following his arrest, the accused was interviewed by various police officers over the course of approximately ten hours. After a six-hour break, the accused was interviewed for another four hours when a decision was made to bring the victim's mother into the interview room. Following approximately 35 minutes of questioning by the mother (in the presence of a police officer, who also had questions) the accused confessed to knowing the location of the victim's

ashes. Roughly a half hour after this revelation, the victim's mother left the interview room and the police continued to question the accused. The accused provided further details and agreed to carry out a re-enactment of how the victim's death occurred. The accused then carried out the re-enactment and it was video/audio recorded by the police.

**Issues:**

Are the statements voluntary and thus admissible?

**Result:**

Applying *R. v. Oickle*, 2000 SCC 38, the Court determined that the statements are admissible. The Court found that there were no threats or promises, oppression, or other police trickery and that the accused had an operating mind. While bringing the victim's mother into the interview room was unorthodox, the Court found that it did not cross the line. Accordingly, found the Crown proved beyond a reasonable doubt that all of the accused's statements should be placed before the jury.

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