

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Bailey, 2008 NSSC 68

**Date:** 20080306

**Docket:** 278551

**Registry:** Pictou

**Between:**

Joseph Alexander Bailey

Appellant

v.

Her Majesty the Queen

Respondent

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Justice Douglas L. MacLellan

**Heard:** January 22<sup>nd</sup>, 2008, in Pictou, Nova Scotia

**Decision:** March 6<sup>th</sup>, 2008

**Subject:** Criminal law, summary conviction appeal.

**Summary:** Appellant charged with refusal, impaired driving and driving while prohibited. Self-represented at trial. Trial judge found that he had refused a breath demand and was impaired and was also driving while prohibited. Trial judge stayed the refusal charge and entered convictions on the two other charges. Appellant alleged errors on how the trial judge conducted the trial and his finding of how the appellant's Section 10(b) rights were dealt with by the police officer.

**Issue:** Did demand made by police officer conform to the information component about the availability of Legal Aid?

Did rulings made by trial judge result in an unfair trial?

Was defence of officially induced mistake dealt with properly

by trial judge?

**Result:**

Appeal dismissed.

Trial judge's ruling on information component of demand in error. **R. v. Moore**, [2002] N.S.J. No. 561, applied. However, refusal charge was stayed, therefore, no prejudice to appellant.

Trial rulings did not result in an unfair trial.

Driving while prohibited conviction upheld. Mistake of law by appellant on his right to drive in Nova Scotia and was no defence to charge.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***