

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Gouchie, 2007 NSSC 293

**Date:** 20070920

**Docket:** CR. Am. 285464

**Registry:** Amherst

**Between:**

Peter Alexander Gouchie

Applicant

v.

Her Majesty the Queen

Respondent

**Judge:** The Honourable Justice J. E. Scanlan

**Heard:** 20 September 2007, in Amherst, Nova Scotia

**Written Decision:** 11 October 2007

**Counsel:** Mr. Robert Gregan, for the applicant  
Mr. Bruce Baxter, for the respondent (crown)

**By the Court:**

[1] I asked the question of Mr. Gregan, that's Mr. Gouchie's counsel, as to whether or not I had to believe the witness here today, that is Annette Gouchie. To be quite frank, Ms. Gouchie, I didn't believe much of anything that you said once you got past your name here today. I'm satisfied, in terms of the evidence that you gave, that most of it was totally incredible. In other words, just not believable. The one part that I did believe was that there was only you, Mr. Gouchie and your son at your house, and that although you heard windows breaking, you didn't see it. There were only three people there; somebody was running around with a baseball bat or whatever and did the breaking. That's what you testified to under oath. According to all submissions, it went before Judge Beaton when she did the original bail hearing, and that's the situation that she found herself in when she denied bail.

[2] Mr. Gregan does make the point that yes, it's going to be more difficult for the crown now that they have the evidence under oath here today where you recant and you just want your husband home, in a house you may or may not be able to keep, with your son, who fled with you from the house. I'm not sure why he'd flee if there wasn't violence, but he fled, by your evidence here today.

[3] I acknowledge, as the crown does, that the crown is going to have a more difficult task, just because of the procedural difficulties. That doesn't mean there isn't a substantial likelihood of conviction in this case. You gave a sworn statement wherein you describe the events, and although you recanted them here today, as I listened to you and heard the evidence, it's just not plausible. With only three people in the house and smashing and banging going on, and it wasn't you and it wasn't your son, I have to ask who it was. The only conclusion I would have would be Mr. Gouchie.

[4] There is no evidence before the court that he or anybody else forced you to come here to court or threatened you to come here to court today and recant. I am satisfied the crown still has a strong case here in any event. There is a very substantial likelihood of conviction just on the physical evidence alone.

[5] Given Mr. Gouchie's record, the numerous violent assaults, threats, I'm not satisfied if this accused is released, even with the evidence we have here today where you attempt to recant, which I didn't believe, I'm satisfied it would not be safe to allow Mr. Gouchie to return to the community. Bail is denied.

**J.**