

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Ryan, 2010 NSSC 114

Date: 20100325

Docket: CRD-295372

Registry: Digby

Between:

Her Majesty the Queen

v.

Nicole Patricia Ryan (Doucet)

LIBRARY HEADING

Restriction on Publication: Restriction on publication pursuant to s. 486.5(2) of the *Criminal Code of Canada*

Judge: The Honourable Justice David P. S. Farrar

Heard: December 7, 8, 9, 14, 2009, and January 25, 29, 2010 in Digby, Nova Scotia

Final Written Submissions: March 8, 2010

Written Decision: March 30, 2010

Subject: Criminal Law, counselling murder contrary to s. 464(a) of the *Criminal Code of Canada*; the defence of duress.

Summary: The accused was charged with counselling an undercover police officer to commit the offence of murder against her husband, which offence was not committed, contrary to s. 464(a) of the *Criminal Code of Canada*. The defence admitted the Crown had established a *prima facie* case. The only issue for determination at trial was whether the common law defence of duress was available to the accused.

Issue: Did the common law defence of duress apply?

Result: The common law defence of duress applied. The evidence established the elements of the defence to the requisite standard. The accused was acquitted.

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