

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Druken*, 2015 NSSC 394

**Date:** 20151210

**Docket:** SPH No. 426809

**Registry:** Port Hawkesbury

**Between:**

Stephen Paul Druken

*Appellant*

v.

Her Majesty the Queen

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**Judge:** The Honourable Justice Patrick J. Murray

**Written Decision:** December 14, 2015

**Subject:** Appeal from summary conviction of a charge of possession of a prohibited firearm contrary to section 91(1) of the Criminal Code.

**Issues:** Grounds of Appeal involve rulings at trial as to whether Appellant was “detained” by police, and charter issues pursuant to ss. 7, 8, 10(b) and s. 24(2).

**Result:** Evidence excluded under 24(2) with result that conviction should be overturned.

**Cases cited:** *R. v. Boliver*, [2014] NSJ No. 578; *R. v. Nasogaluak*, 2010 SCC 6; *R. v. Collins*, (1989) 48 CCC (3<sup>rd</sup>); *R. v. Grant*, 2009 SCC 32; *R. v. Therens*, (1985) 1 SCR 613; *R. v. Chromiak*, (1979) 46 C.C.C. (2d) 310; *R. v. Therens*, [1985] 1 S.C.R. 613; *Horyski v. H.(R)*, 152 A.C.W.S. (3d) 441; *R. v. Bartle*, [1994] 3 S.C.R. 173; *R. v. Crane*, [2005] A.J. No. 292; *R. v. Strachan*, [1988] 2 S.C.R. 980; *R. v. Crockwell*, [2013] N.J. No. 59; *R. v. Roy*, [2012] S.C.J. No. 26; *R. v. Timmons*, 2011 NSCA 39; *R. v. West*, 2012 NSCA 112; *R. v. Black*, [1989] 2 S.C.R. 138; *R. v. Goldhart*, [1996] 2 S.C.R. 463; *R. v. MacNeil*, 2009 NSCA 46.

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