

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Muise, 2013 NSSC 141

Date: 20130502

Docket: CRH 373467

Registry: Halifax

Between:

Her Majesty the Queen in and for the Province of Nova Scotia

Crown

v.

Cody Alexander Muise

Defendant

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Judge: The Honourable Justice Peter P. Rosinski

Heard: April 24 and 25, 2013

Subject: *Dying declarations in the criminal context - hearsay*

Summary: Mr. Muise fatally shot the deceased, who *ante mortem* was repeatedly asked “who shot you?” - to which he replied: “I don’t know”. Crown argued against the admission of the declaration because the deceased was notoriously uncooperative with the police.

Issue: Is this declaration admissible under the traditional dying declaration exception to the hearsay rule; as *res gestae*; or pursuant to the principled exception to the hearsay rule?

Result: Dying declaration is admissible on all three bases.

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