

SUPREME COURT OF NOVA SCOTIA
Citation: R. v. Morris- Poultney, 2013 NSSC 343

Date: 20131114
Docket: Hfx No. 415145A
Registry: Halifax

Between:

D’Arcy Morris-Poultney

Appellant

v.

Her Majesty the Queen

Respondent

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Judge: The Honourable Justice Michael J. Wood

Heard: October 9, 2013, in Halifax, Nova Scotia

Written Decision: November 14, 2013

Subject: Criminal Law - Summary Conviction Appeal
Section 254 of the *Criminal Code* - Refusal -
Requirement for Medical Consent

Summary: The appellant was convicted of refusal in response to demand for blood sample under s. 254(3) of the *Criminal Code*. He argued that refusal was the result of request for information needed in order to provide informed medical consent.

Issue: Do the elements of the offence of refusal to provide a blood sample under s. 254(3) include proving that information needed to provide informed consent had been given to the accused?

Result: The Court rejected the argument that medical consent was an element of the offence requiring proof by the Crown. It concluded that this issue could arise as part of a defence that there was a reasonable excuse for refusal. The trial judge's conclusion that excuse not established on the evidence was reasonable.

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