

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Finck et al. - 2005 NSSC39

Date: 20050223

Docket: CR. No.228086

Registry: Halifax

Between:

Her Majesty the Queen

-and-

Lawrence Ross Finck and Carline VandenElsen

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Judge: The Honourable Justice Robert W. Wright

Heard: February 2, 7 and 10, 2005 at Halifax, Nova Scotia

Written

Decision: February 23, 2005

Subject: Admissibility of videotaped statement given to police by person in custody.

Summary: The accused was arrested following an armed standoff with police and was subsequently charged with abduction of a child contrary to a custody order, unlawful confinement, obstruction of police and a series of related firearm offences. He was taken to the police station and informed of his Charter rights and the standard police caution. He was then interrogated by police until approximately 3 o'clock the next morning, near the end of which he provided the police with incriminating information. The Crown requested a voir dire to determine the admissibility of this statement at trial.

Issue: Voluntariness under common law of the statement given by the accused to the police.

Result: After a review of the principles articulated by the Supreme Court of Canada in *R. v. Oickle* [2000] 2 S.C.R. 3, a case in which the court ruled on the common law limits on police interrogation, a finding was made that the Crown had satisfied the burden of proving beyond a reasonable doubt the voluntariness of the statement given by the accused to the police.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THE COVER SHEET.
