

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Denny*, 2014 NSSC 334

**Date:** 20140902

**Docket:** CRH No. 417612

**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

Andre Noel Denny

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Peter P. Rosinski

**Heard:** September 2, 2014 in Halifax, Nova Scotia

**Written release of Oral Decision:** September 17, 2014 (**Orally: September 2, 2014**)

**Subject:** Withdrawal as counsel of record – procedure in criminal context

**Summary:** Mr. Denny was charged with second-degree murder. His judge and jury trial had been scheduled on September 5, 2013, to begin September 2, 2014. It was scheduled for 39 days. Mr. Denny had applied for, and been granted, an order for assistance with interpreter [“as needed”] and court services worker services in Mi’kmaw. He had mental health issues of significance. Jury selection was to start on September 15, 2014. Voir dres were set for September 2 – 12, 2014. In late August, Mr. Denny’s counsel advised the solicitor client relationship was irretrievably broken. Mr. Denny also communicated to the Court that he wished to retain new

counsel.

**Issues:** Should the motion to withdraw as counsel of record be granted without an investigation of the possibility of the solicitor-client relationship being restored?

**Result:** There had been an extraordinary effort and placement of resources involved in the preparation and expected continuation of this jury trial. The Court was of the view that it was appropriate in the unusual circumstances here to investigate whether the solicitor-client relationship could be restored to the satisfaction of Mr. Denny and his counsel. To protect matters of solicitor-client privilege, the court held an in-camera hearing excluding the public pursuant to section 486 (1) of the Criminal Code.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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