

***R. v. Bowman* 2010 ABPC 47** per Barley, PCJ:

Impaired driving trial. Issue as to whether breath samples taken as soon as practicable. 22 minutes between the accused finishing his call to counsel and the first breath test. Investigating officer testified that he could not recall exactly what happened during this period, but that the checkstop bus was very busy and he would have had to wait some time for the technician to be ready.

**Held: Conviction entered.**

Test being whether samples taken “within a reasonably prompt time under the circumstances.” As per *Vanderbruggen* (2006) 206 CCC (3d) 480 (Ont CA), “while the Crown is obligated to demonstrate that the breath samples were taken within a reasonably prompt time, there is no requirement that the Crown provide a detailed explanation of what occurred during every minute that the accused is in custody.”