

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. Scott, 2004 NSCA 141

Date: 20041125

Docket: CAC 214922

Registry: Halifax

Between:

Jennifer Madeline Scott

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Justice Fichaud

Appeal Heard: September 20, 2004

Subject: Criminal law - *Charter* s. 24(2) - derivative evidence -
principled approach to hearsay

Summary: Trial judge admitted search evidence obtained without warrant after illegal arrest. Trial judge admitted KGB statement without cross-examination.

Issue: Were search evidence and KGB statement properly admitted?

Result: Search evidence would have been discovered by police in any event. Evidence not derivative and admissible under s. 24(2). KGB statement not admissible because declarant had motive to lie (found by trial judge) and was not subject to any cross-examination (either contemporaneous or at trial). Conviction set aside and new trial ordered.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 30 pages.