

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. Skeir, 2005 NSCA 86

Date: 20050601

Docket: CAC 237148

Registry: Halifax

Between:

Carl Wendell Skeir

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Justice Fichaud

Appeal Heard: May 11, 2005

Subject: application of *Charter* to private security officer - right to counsel - causal connection under s. 24(2) of the *Charter*

Summary: A private security officer arrested the accused but failed to properly notify of s. 10(b) right to counsel. Accused then gave statement to security officer.

Issue: Is private security officer's arrest function subject to the *Charter*? Should the statement be excluded under s. 24(2) of the *Charter*?

Result: Private security officer's arrest under s. 494 of *Criminal Code* is not subject to the *Charter* unless, in a particular case, the officer acted as agent of the police. If accused would have given the statement even after a proper s. 10(b) warning, there is no contravention of trial fairness under s. 24(2).

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 14 pages.