

NOVA SCOTIA COURT OF APPEAL

**Chipman, Hart and Pugsley, JJ.A.**

Cite as: R. v. Wright, 1993 NSCA 209

**BETWEEN:**

ASHLEY D. WRIGHT and RICO M. CAIN )

Appellants )

- and - )

HER MAJESTY THE QUEEN )

Respondent )

) John A. Black  
) for the Appellants  
)

) Kenneth W. F. Fiske, Q.C.  
) for the Respondent  
)

) Appeal Heard:  
) November 22, 1993  
)

) Judgment Delivered:  
) November 22, 1993  
)

**THE COURT:**

The appeals are dismissed as per oral reasons for judgment of Chipman, J.A.; Hart and Pugsley, JJ.A., concurring.

The reasons for judgment were delivered orally by

**CHIPMAN, J.A.:**

The appellants appeal from their convictions in Provincial Court of break, enter and theft contrary to s. 348(1)(b) of the **Criminal Code**.

At the trial, the appellants moved pursuant to s. 24 of the **Charter** for the exclusion of evidence found on their persons by the police officer who arrested them without warrant. Such evidence was the principal, if not the only evidence, linking the appellants to the offence. The appellants contended that the searches were unreasonable and hence in violation of s. 8 of the **Charter**.

The trial judge reviewed the evidence and concluded that the arresting officer had reasonable grounds for believing that the appellants had committed a recent break and enter into a dwelling. The arrests were, therefore, authorized under s. 495(1) of the **Code** and were lawful. Accordingly, he held that the subsequent searches were reasonable and not in violation of the appellants' s. 8 **Charter** rights. He convicted the appellants.

We have reviewed the record and considered the argument of the appellants. We are satisfied that the trial judge made no error in reaching the conclusion that he did.

The appeals are dismissed.

J. A.

Concurred in:

Hart, J.A.

Pugsley, J.A.