

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Campbell*, 2018 NSCA 42

**Date:** 20180523

**Docket:** CAC 467101

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

Robert Michael Campbell

Respondent

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**Judge:**

The Honourable Justice Cindy A. Bourgeois

**Appeal Heard:**

April 10, 2018, in Halifax, Nova Scotia

**Subject:**

Search warrants – Error on face – s. 8 *Charter* – s. 24(2) analysis

**Summary:**

The police executed a search warrant at a private residence with a clear error on its face. Before the trial judge, the respondent argued the warrant was invalid due to the error and sought to have the evidence seized excluded under s. 24(2) of the *Charter*. Both parties identified the sole issue for determination as being whether the error on the face of the warrant served to invalidate it, or it constituted a harmless typographical error.

The trial judge found the error arose due to police negligence, which rendered the warrant invalid. After conducting a *Grant* analysis, the evidence was excluded. An acquittal was entered. The Crown appealed.

**Issues:**

(1) Did the trial judge err in finding that a violation of s. 8 of

the *Charter* occurred when a warrant with an erroneous and factually impossible time for execution was in fact executed?

(2) Did the trial judge err in excluding the evidence obtained from the execution of that warrant, pursuant to s. 24(2) of the *Charter*?

**Result:**

Appeal dismissed. The trial judge did not err in considering the existence of police negligence as a factor going to the warrant's validity. Her finding of negligence was appropriate given the record. Further, there was no reason to intervene in the trial judge's s. 24(2) analysis.

*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.*