

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Dewolfe, 2011 NSPC 1

Date: 2011 January 07

Docket: 2018372-3

Registry: Halifax

Between:

Her Majesty the Queen

v.

Leo Arthur Dewolfe

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Judge: The Honourable Judge R. Brian Gibson, J.P.C.

Heard: November 12, 2010

Date of Decision: January 7, 2011

Subject: The Charter of Rights and Freedoms

Summary: The police executed a search warrant at the residence of the Accused. To protect the identity of a confidential source, the Crown relied entirely upon a redacted Information to Obtain to establish the necessary grounds authorizing the issuance of the warrant.

Issue: Did the redacted I.T.O. provide the necessary grounds to authorize the warrant relied upon by the police? If not and there was a resulting S.8 Charter breach, should the evidence be excluded pursuant to S.24(2) of the Charter?

Result: The Accused's S.8 Charter rights were violated, however evidence seized in the course of the search found to be admissible after a S.24(2) analysis.