

CASE NO.

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IN THE SUPREME COURT OF NOVA SCOTIA

BETWEEN:

HER MAJESTY THE QUEEN

versus

**MICHAEL RONALD PATRIQUEN
and
MARVIN REGINALD COATES**

Justice C. Richard Coughlan

Halifax, Nova Scotia

C. R. No. 171636

[CITE: R. v. Patriquen, 2002 NSSC 46]

LIBRARY HEADING

HEARD: At Halifax, Nova Scotia, before the Honourable Justice C. Richard Coughlan, on January 21st, 2002

DECISION: February 22nd, 2002

SUBJECT: Criminal Law - Special Powers - Power of Seizure - Inspection of Things Seized - Admission of Evidence Obtained

SUMMARY: The R.C.M.P. were conducting an on-going drug investigation. They had obtained a general warrant authorizing Canada Post to record information concerning mail delivered to the address of one of the subjects of the investigation, and to supply the information to the R.C.M.P. The warrant had expired. Canada Post contacted the R.C.M.P. informing them a parcel addressed to the address on the expired warrant was received. The R.C.M.P. asked Canada Post to hold the parcel unopened. The parcel was removed from the mail system. The R.C.M.P. obtained a warrant, opened and searched the parcel, and then returned it to the mail system.

ISSUES: Was there a seizure? Was the seizure unreasonable? If the seizure was unreasonable, should the evidence obtained be excluded?

RESULT: The R.C.M.P. had reasonable and probable grounds at the time the parcel was removed from the mail system. The removal from the mail system was a seizure. Exigent circumstances existed at the time of the seizure - if the parcel was not removed from the mail system and held, the evidence would be lost. Both reasonable and probable grounds and exigent circumstances existing, the search was authorized by law. The search was carried out in a reasonable manner. The results of the search are admissible.

If exigent circumstances were not present, the evidence should be admitted. The evidence in question was real, non-conscriptive evidence, which would not render the trial unfair. Any violation was not flagrant - the R.C.M.P. having reasonable and probable grounds and waiting until the warrant was obtained to search the parcel. The admission of the evidence would not bring the administration of justice into disrepute.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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