

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Calder*, 2010 NSSC 136

Date: 20100407

Docket: CRH 316393

Registry: Halifax

Between:

Her Majesty the Queen

v.

Anne Calder

LIBRARY HEADING

- Judge:** The Honourable Justice Peter Bryson
- Heard:** April 7, 2010, in Halifax, Nova Scotia (**Voir Dire**)
- Subject:** Civil Rights. *Canadian Charter of Rights and Freedoms*. Sections 10 (b) and 24 (2). Right to counsel. Exclusion of Evidence.
- Summary:** Accused lawyer was questioned by correctional officers after she was seen surreptitiously passing contraband to her client who was an inmate at the correctional facility. She responded to the questions. She received no 10(b) caution regarding right to counsel.
- Issues:** Were Correctional Officers “persons in authority”? Were statements voluntary? Was there detention so as to trigger a right to s. 10(b) caution? Were statements admissible?
- Result:** Statements admissible. Officers were persons in authority. Statements were voluntary. Accused was detained briefly and should have received s. 10(b) caution. Admission of statements would not bring administration of justice into disrepute.

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