

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Henderson, 2008 NSSC 386

Date: 20081027

Docket: CRH 291307

Registry: Halifax

HER MAJESTY THE QUEEN

Between:

v.

CHRISTOPHER EDWARD JAMES HENDERSON

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Judge: The Honourable Justice Suzanne M. Hood

Heard: August 11 & 12; September 24 & 25, 2008 in Halifax, Nova Scotia

Written Decision: December 17, 2008 (*Oral decision rendered Oct. 27, 2008*)

Subject: Search and seizure (s. 8 *Charter*); reasonable expectation of privacy; exclusion of evidence (s. 24(2) *Charter*)

Summary: Accused was involved in a minor motor vehicle accident. Police found drugs and a loaded handgun in the trunk of his car.

Issue:

- 1) Reasonable expectation of privacy in locked car trunk
- 2) Constitutionality of the search
- 3) Exclusion of evidence - s. 24(2) *Charter*

Result: Accused had reasonable expectation of privacy in locked trunk of car. Search was unconstitutional. Evidence to be excluded.

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