

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Leggette*, 2015 NSSC 112

Date: 20150415

Docket: CRH No. 430128

Registry: Halifax

Between:

Her Majesty the Queen

v.

Blake William David Leggette and
Victoria Lea Henneberry

LIBRARY HEADING

**Restriction on Publication: Pursuant to Sections 645(5) and 648(1) & (2) of the
*Criminal Code of Canada***

Judge: The Honourable Justice Joshua M. Arnold

Heard: January 19 & 20, February 25, 2015, Halifax, Nova Scotia

Written Decision: April 15, 2015

Subject: Admissibility of documents seized from accused's prison cell.

Summary: Accused agreed to write details of his crime to provide to his cellmate, who was writing a book about his prison experiences. During the course of a general prison search for a weapon the writings were found in a tube of similar size and shape as the weapon. Writings addressed to cellmate. Accused claiming solicitor-client privilege and *Charter* violations relating to the search.

Issues: Were the writings protected by solicitor-client privilege? Were there violations of s. 7, 8 and 11(d) of the *Charter* and, if so, should the evidence be excluded under s. 24(2)?

Result: Documents found to be part of a book draft, not for a lawyer and not solicitor/client privileged. No *Charter* violation as search conducted according to *Corrections Act* and reduced expectation of privacy in prison cell.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***