

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Howell*, 2011 NSSC 284

Date: 20110424

Docket: CRH 325847

Registry: Halifax

Between:

Her Majesty the Queen

v.

William Frederick Howell

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Judge: The Honourable Justice M. Heather Robertson

Heard: March 21, 22 and 24, 2011, in Halifax, Nova Scotia

Decision: April 24, 2011 (**Orally**)

Subject: *Voir dire* to determine the issue of an alleged breach under s. 8 of the Charter; and the consequences as to whether the evidence obtained should be excluded pursuant to s. 24(2) of the Charter.

Summary: Ringing cell phone seized at police headquarters after arrest for possession, following raid of premises by search warrant. Drug related texts resulted in upgraded charge and arrest for possession for the purpose of trafficking cocaine.

Issue: Expectation of privacy in cell phone in the circumstances.

Result: Evidence obtained not excluded.

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