

CASE NO.

VOL. NO.

Her Majesty the Queen

and

Jamie Dominique Dann

Associate Chief Justice M. MacDonald

C.R. 171070 & 171071

LIBRARY HEADING

Charter Application

Cite as R. v. Dann, 2002 NSSC 37

HEARD: before the Honourable Associate Chief Justice Michael MacDonald in
Halifax, Nova Scotia October 29 and 30, 2001

ORAL DECISION: October 30, 2001

WRITTEN RELEASE

OF DECISION: February 14, 2002

SUBJECT: Breach of s. 9 of the *Charter*

SUMMARY:

On June 6th, 2000 at approximately 2:40 p.m. the Accused was arrested at the Halifax International Airport for allegedly having a controlled substance in his possession. He was held and not brought before a judge until approximately 3:00 p.m. the next day when he was charged with possession of cocaine for the purpose of trafficking. Thus he was held longer than the 24 hour statutory maximum set out in s. 508 of the *Criminal Code*.

Therefore the Accused maintains that he was arbitrarily detained and as such his s. 9 *Charter* rights were breached.

ISSUE:

Was there a breach of s. 9 of the *Charter* and if so what is the appropriate remedy?

RESULTS:

The Court found there was a breach of s. 9 of the *Charter*. The Court ruled the trial to proceed and the remedy would be rendered after the trial was completed.

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS
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