

R. v. CHAISSON

R. v. Chaisson
2006 SCC 11 (CanLII)

A police officer saw the accused, David Chaisson, and another person sitting in a darkened car. As the officer approached the car, he claimed he saw the accused throw something to the side of the car. The officer suspected drugs and asked Mr. Chaisson and the other person to get out of the vehicle. The officer searched the car and found marijuana. Chaisson was arrested, taken to the police station, and charged with possession of a narcotic for the purpose of trafficking. The police officer did not warn the accused, nor did he caution or read him his rights before he searched the car. However, Chaisson was cautioned and was read his rights when he arrived at the police station. Chaisson argued that his rights were violated under the Charter, and that the evidence should be excluded.

The trial judge concluded that section 8 on unreasonable search and seizure, section 9 on

arbitrary detention, and section 10(b) on retaining and instructing counsel were violated. The court of appeal ruled that only section 10(b) rights were violated and would not allow the remedy under section 24(2) to exclude the evidence. In a 5–0 judgment, the Supreme Court of Canada allowed the appeal and excluded the evidence. The court concluded that the trial judge had access to all of the evidence and was entitled to the conclusion that Chaisson’s rights had been violated and that the evidence should be excluded under section 24(2).

1. What rights were violated under the Charter?
2. How was section 24 of the Charter used to provide a remedy?

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