

CANADA / JUDGMENT

# R. v. Day

2014 SCC 74

## COURT

Supreme Court of Canada

## DECIDED

9 December 2014

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R. v. Day Collection Supreme Court Judgments Date 2014-12-09 Neutral citation 2014 SCC 74 Report

[2014] 3 SCR 614 Case number 35822 Judges McLachlin, Beverley; Rothstein, Marshall; Moldaver, Michael J.; Wagner, Richard On appeal from Newfoundland and Labrador Subjects Constitutional law Notes SCC Case Information: 35822 Decision Content SUPREME COURT OF CANADA Citation: R. v. Day, 2014 SCC 74, [2014] 3 S.C.R. 614 Date: 20141208 Docket: 35822 Between: Ryan Paul Day Appellant and Her Majesty The Queen Respondent Coram: McLachlin C.J. and Rothstein, Moldaver, Wagner and Gascon JJ. Reasons for Judgment: (para. 1) McLachlin C.J. (Rothstein, Moldaver, Wagner and Gascon JJ. concurring)

r. v. day, 2014 SCC 74, [2014] 3 S.C.R. 614 Ryan Paul Day Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Day 2014 SCC 74 File No.: 35822. 2014: December 8. Present: McLachlin C.J. and Rothstein, Moldaver, Wagner and Gascon JJ. on appeal from the court of appeal for newfoundland and labrador Constitutional law — Charter of Rights — Arbitrary detention — Search and seizure — Search incident to arrest — Accused's car searched without warrant and marihuana found — Evidence seized excluded following voir dire — Court of Appeal held that trial judge erred in finding absence of subjective and objective grounds for arrest — Arrest lawful and search valid. APPEAL from a judgment of the Newfoundland and Labrador Court of Appeal (Welsh, Rowe and Hoegg JJ.A.), 2014 NLCA 14, 349 Nfld. & P.E.I.R. 1, 1085 A.P.R. 1, 10 C.R. (7th) 152, [2014] N.J. No. 68 (QL), 2014 CarswellNfld 78, setting aside the accused's acquittal for trafficking marihuana and possession for the purpose of trafficking and ordering a new trial. Appeal dismissed. Kenneth J. Mahoney, for the appellant. Mark Covan and Andrew O. Brown, for the respondent. The judgment of the Court was delivered orally by

[1] The Chief Justice — In spite of the able argument of Mr. Mahoney, we are all of the view to dismiss the appeal for the reasons of Hoegg J.A. Judgment accordingly. Solicitors for the appellant: Bristow Moyse, St. John's. Solicitor for the respondent: Public Prosecution Service of Canada, St. John's.

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