

CANADA / JUDGMENT

R. v. Duncanson

[1992] 1 SCR 836**COURT**

Supreme Court of Canada

DECIDED

30 March 1992

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R. v. Duncanson Collection Supreme Court Judgments Date 1992-03-30 Report

[1992] 1 SCR 836 Case number 22644 Judges Lamer, Antonio; L'Heureux-Dubé, Claire; Sopinka, John; Gonthier, Charles Doherty; Stevenson, William On appeal from Saskatchewan Subjects Constitutional law Notes SCC Case Information: 22644 Decision Content R. v. Duncanson, [1992] 1 S.C.R. 836 James Ross Duncanson Appellant v. Her Majesty The Queen as represented by the Attorney General of Canada Respondent Indexed as: R. v. Duncanson File No.: 22644. 1992: March 30. Present: Lamer C.J. and L'Heureux-Dubé, Sopinka, Gonthier and Stevenson JJ. on appeal from the court of appeal for saskatchewan Constitutional law -- Charter of Rights -- Admissibility of evidence -- Bringing administration of justice into disrepute -- Whether trial judge erred in excluding narcotics evidence under s. 24(2) of Canadian Charter of Rights and Freedoms . Cases Cited Applied: R. v. Collins, [1987] 1 S.C.R. 265. Statutes and Regulations Cited Canadian Charter of Rights and Freedoms . APPEAL from a judgment of the Saskatchewan Court of Appeal (1991), 93 Sask. R. 193, 4 W.A.C. 193, 30 M.V.R. (2d) 17, setting aside the accused's acquittal on a charge of possession of narcotics for the purpose of trafficking and ordering a new trial. Appeal dismissed. Barry M. Singer, for the appellant. Bernard Laprade, for the respondent. //Lamer C.J.// The judgment of the Court was delivered orally by Lamer C.J. -- This appeal comes to us as of right. Assuming without deciding that the narcotic was found in violation of the appellant's rights under the Charter , we are all of the view that, under the circumstances of this case and in applying the principles enunciated in R. v. Collins, [1987] 1 S.C.R. 265, admitting the evidence would not bring the administration of justice into disrepute. For these reasons the appeal is dismissed. Judgment accordingly. Solicitors for the appellant: Hnatyshyn Singer, Saskatoon. Solicitor for the respondent: John C. Tait, Ottawa.

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