

CANADA / JUDGMENT

R. v. Rowson

2016 SCC 40

COURT

Supreme Court of Canada

DECIDED

14 October 2016

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R. v. Rowson Collection Supreme Court Judgments Date 2016-10-14 Neutral citation 2016 SCC 40 Report

[2016] 2 SCR 158 Case number 36777 Judges Abella, Rosalie Silberman; Moldaver, Michael J.; Wagner, Richard; Côté, Suzanne; Brown, Russell On appeal from Alberta Notes SCC Case Information: 36777 Decision Content SUPREME COURT OF CANADA Citation: R. v. Rowson, 2016 SCC 40, [2016] 2 S.C.R. 158 Reference of a matter heard: October 14, 2016 Order: October 14, 2016 Docket: 36777 Between: Eric Andrew Rowson Appellant and Her Majesty The Queen Respondent Coram: Abella, Moldaver, Wagner, Côté and Brown JJ. Reasons for Order: (para. 1) Abella J. (Moldaver, Wagner, Côté and Brown JJ. concurring) R. v. Rowson, 2016 SCC 40, [2016] 2 S.C.R. 158 Eric Andrew Rowson Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Rowson 2016 SCC 40 File No.: 36777. 2016: October 14. Present: Abella, Moldaver, Wagner, Côté and Brown JJ. on appeal from the court of appeal for alberta Constitutional law — Charter of Rights — Arbitrary detention — Right to counsel — Search and seizure — Remedy — Exclusion of evidence — Admission of breath sample evidence would not bring administration of justice into disrepute — Accused's convictions upheld. APPEAL from a judgment of the Alberta Court of Appeal (Martin, O'Ferrall and Veldhuis JJ.A.), 2015 ABCA 354, 29 Alta. L.R. (6th) 40, 332 C.C.C. (3d) 165, 607 A.R. 334, 653 W.A.C. 334, 91 M.V.R. (6th) 51, [2016] 4 W.W.R. 483, [2015] A.J. No. 1253 (QL), 2015 CarswellAlta 2139 (WL Can.), upholding the accused's convictions for impaired driving causing bodily harm, dangerous driving causing bodily harm and driving with a blood alcohol level exceeding the legal limit entered by Martin J. Appeal dismissed, Abella and Côté JJ. dissenting. Jennifer Ruttan and Michael Bates, for the appellant. Christine Rideout, for the respondent. The judgment of the Court was delivered orally by

- [1] Abella J. — A majority of this panel is of the view that the appeal should be dismissed substantially for the reasons of Justice O'Ferrall. Justice Côté and I would allow the appeal primarily on the basis that the cumulative effect of the multiple breaches warranted the exclusion of the breathalyzer evidence. Judgment accordingly. Solicitors for the appellant: Ruttan Bates, Calgary. Solicitor for the respondent: Attorney General of Alberta, Calgary.

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