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| **SUPREME COURT OF CANADA** |

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| **Citation:** R. *v*. James, 2019 SCC 52,  [2019] 3 S.C.R. 918 | | | **Appeal Heard:** November 8, 2019  **Judgment Rendered:** November 8, 2019  **Docket:** 38616 | |
| Between:  Her Majesty The Queen  Appellant  and  Justin James  Respondent | | | | |
| **Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ. | | | | |
| **Reasons for Judgment:**  (paras. 1 to 2) | | Wagner C.J. (Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ. concurring) | | |
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r. *v.* james

Her Majesty The Queen *Appellant*

*v.*

Justin James *Respondent*

**Indexed as:** R. ***v.*** James

2019 SCC 52

File No.: 38616.

2019: November 8.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ.

on appeal from the court of appeal for ontario

*Constitutional law — Charter of Rights — Search and seizure — Trial judge finding that police violated accused’s Charter right to be secure against unreasonable search or seizure when it obtained search warrant based on insufficient information — Trial judge excluding evidence and acquitting accused of drug and firearm charges — Majority of Court of Appeal dismissing Crown appeal — Dissenting judge finding that there was no breach of accused’s s. 8 Charter right — New trial ordered.*

**Statutes and Regulations Cited**

*Canadian Charter of Rights and Freedoms*, s. 8.

APPEAL from a judgment of the Ontario Court of Appeal (Pardu, Nordheimer and Harvison Young JJ.A.), 2019 ONCA 288, 145 O.R. (3d) 321, 440 D.L.R. (4th) 582, 373 C.C.C. (3d) 364, 432 C.R.R. (2d) 74, [2019] O.J. No. 1827 (QL), 2019 CarswellOnt 5350 (WL Can.), affirming the acquittals of the accused. Appeal allowed, Abella, Karakatsanis, Brown and Martin JJ. dissenting.

Jennifer Epstein, Matthew Asma and *Joseph Hanna*, for the appellant.

Scott C. Hutchison and Kelsey Flanagan, for the respondent.

The judgment of the Court was delivered orally by

1. The Chief Justice — A majority of the Court would allow the appeal and order a new trial, substantially for the reasons of Justice Nordheimer, to the extent that he concluded that there was no breach of s. 8 of the *Canadian Charter of Rights and Freedoms*.
2. Justices Abella, Karakatsanis, Brown and Martin would have dismissed the appeal, substantially for the reasons of Justice Pardu.

*Judgment accordingly.*

Solicitor for the appellant: Attorney General of Ontario, Toronto.

*Solicitors for the respondent: Henein Hutchison, Toronto.*