SEARCH AND SEIZURE CASES

R. v. Collins The officers did not reasonable and probably grounds for believing that Collins was in possession of drugs. The search and seizure, in this case, the throat choke hold procedure was held to be unreasonable . The court struggled with whether the evidence should be excluded under section 24 (2) of the Charter. The Supreme Court held that it would bring the administration of justice into disrepute if the disputed drug evidence were allowed.

R. v. Mellenthin The case concerned the validity of a search of the vehicle while a motorist was detained during an Alberta Check Stop. The Supreme Court of Canada ruled that the check stop programs cannot be used as justification for searching all vehicles, and the police must have a reasonable and propable grounds for searching the vehicle (e.g. seeing drugs, alchohol or weapons inside the vehicle). The search of the gym bag was held to be unreasonable

Cloutier v. Langlois The case dealt with the validity of a search (in this case a frisk search) subsequent to an arrest. The common law right to search incidental to arrest is limited to situations where police consider it necessary for applying the law, there is a valid objective for the search, and the search is not conducted in an abusive manner. In this case, the frisk search was justified.