

**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.