

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v*. Culotta, 2018 SCC 57, [2018] 3 S.C.R. 597 | **Appeal heard:** December 13, 2018  **Judgment rendered:** December 13, 2018  **Docket:** 38213 |

Between:

**Christie Culotta**

Appellant

and

Her Majesty The Queen

Respondent

- and -

Criminal Lawyers’ Association and

**Canadian Civil Liberties Association**

Interveners

**Coram:** Wagner C.J. and Abella, Moldaver, Rowe and Martin JJ.

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| **Reasons for Judgment:**  (paras. 1 to 2) | Moldaver J. (Wagner C.J. and Abella, Rowe and Martin JJ. concurring) |

R. *v*. Culotta, 2018 SCC 57, [2018] 3 S.C.R. 597

Christie Culotta Appellant

v.

Her Majesty The Queen Respondent

and

Criminal Lawyers’ Association and

Canadian Civil Liberties Association Interveners

**Indexed as: R. *v*.** Culotta

2018 SCC 57

File No.: 38213.

2018: December 13.

Present: Wagner C.J. and Abella, Moldaver, Rowe and Martin JJ.

on appeal from the court of appeal for ontario

*Constitutional law — Charter of Rights — Search and seizure — Right to counsel — Remedy — Exclusion of evidence — Accused convicted of causing accident resulting in bodily harm while operating vessel with blood alcohol level exceeding legal limit — Trial judge finding that accused’s right to be secure against unreasonable search or seizure breached when police sealed blood samples taken for medical purposes by hospital lab technician — Trial judge excluding blood samples seized by police but declining to exclude hospital records containing results of blood analysis — Court of Appeal agreeing that some breaches occurred but finding that accused did not invoke right to counsel and therefore that implementational component of that right was not breached — Court of Appeal declining to exclude further evidence on basis that it would not enhance repute of administration of justice — Convictions upheld — Canadian Charter of Rights and Freedoms, ss. 8, 10(b), 24(2).*

APPEAL from a judgment of the Ontario Court of Appeal (Hourigan, Pardu and Nordheimer JJ.A.), 2018 ONCA 665, 142 O.R. (3d) 241, 364 C.C.C. (3d) 191, 30 M.V.R. (7th) 1, [2018] O.J. No. 3946 (QL), 2018 CarswellOnt 12035 (WL Can.), affirming the convictions of the accused for operation of a vessel with a blood alcohol level exceeding the legal limit causing bodily harm. Appeal dismissed, Abella and Martin JJ. dissenting.

Dirk Derstine, for the appellant.

Mabel Lai and Matthew Asma, for the respondent.

Nader R. Hasan and Carlo Di Carlo, for the intervener the Criminal Lawyers’ Association.

Anthony Moustacalis, for the intervener the Canadian Civil Liberties Association.

The judgment of the Court was delivered orally by

1. Moldaver J. — A majority of the Court would dismiss the appeal, substantially for the reasons of Justice Nordheimer.
2. Justices Abella and Martin, in dissent, would allow the appeal, substantially for the reasons of Justice Pardu.

*Judgment accordingly.*

Solicitors for the appellant: Derstine Penman, Toronto.

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

Solicitors for the intervener the Criminal Lawyers’ Association: Stockwoods, Toronto.

Solicitor for the intervener the Canadian Civil Liberties Association: Anthony Moustacalis, Toronto.