

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Neveu, 2005 NSPC 51

Date: 20051116

Docket: 1401222

Registry: Halifax

Between:

Her Majesty The Queen

v.

Gabriel Luc Claude Neveu

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Judge: R. Brian Gibson, Associate Chief Judge

Heard: September 16, 2005, Dartmouth

Written Decision: November 16, 2005

Subject: **Section 8 *Charter* Application alleging that there were insufficient grounds to issue a search warrant.**

Summary: **The accused was charged with the offence of possessing child pornography on or about the 21st day of January 2004 contrary to Section 163.1(4) of the *Criminal Code of Canada*. A search warrant was sought and obtained on January 13th, 2005 to search for and seize evidence pertaining to the investigation of the above-noted charge. The Information to Obtain disclosed a credibly-based probability that the accused had while in Nova Scotia purchased website access to download child pornographic images during the months of June and July of 1999 through a website located at Dallas, Fort Worth, in Texas, the United States of America.**

Issue: The issue to be determined was whether there was a credibly-based probability that the accused possessed child pornographic images on January 13th, 2004 when the search warrant was issued or on January 21st, 2004 when the search warrant was executed.

Result: The Court held, based upon the grounds disclosed in the Information to Obtain, that the issuing Justice could have concluded that there was a credibly-based probability that evidence sought to be seized in respect of the alleged offence would be found at the premises sought to be searched. Therefore, no Section 8 *Charter* violation occurred.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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