

CASE NO.

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[cite: R. v. Chronis, 2002NSPC021]

Her Majesty the Queen

Basil Chronis

2001 1115706

Sydney, Nova Scotia

Judge A. Peter Ross

LIBRARY HEADING

DATE HEARD:

May 16, 2002; June 6, 2002

DECISION:

June 27, 2002

SUBJECT:

Application under s. 490(5) of the Criminal Code for disposition of items seized by Her Majesty the Queen and an application under s. 490(5) by Basil Chronis for the return of certain items seized; lawful entitlement

SUMMARY:

Items had been seized from the premises of one Basil Chronis by Police under authority of a search warrant during an investigation of possible piracy of satellite television programming signals. Only those items believed to be used to capture signals emanating from Canadian distributors were retained for the prosecution of offences under the Radiocommunication Act and Criminal Code. The remainder, including a large number of “smart cards”, were potentially useful in decoding US-based satellite TV signals. When application was made under s. 490(5) for disposition of these items, Mr. Chronis applied for their return, as did DIRECTV Inc. The Crown requested forfeiture in the alternative.

ISSUE:

Have either Mr. Chronis or DIRECTV shown lawful entitlement to possession of the “smart cards” under s. 490(9) of the Criminal Code? Ought all or some of the items be forfeited to the Crown?

HELD:

Based on both private law and public law considerations, all items bearing a DIRECTV logo or mark or the mark of a licensee ought to be returned to it. Items bearing a Dishnet logo or mark ought to be forfeited. In all the circumstances, Mr. Chronis is not lawfully entitled to possession of any of the items.

This Information does not form part of the Court's Decision. Quotes must be from the Decision, not this cover sheet.
