

Case Summary: R. v. A.M.

Summary of the facts brought before the Supreme Court of Canada in R. v. A.M., [2008] 1 S.C.R. 569, 2008 SCC 19

“The police accepted a long-standing invitation by the principal of a high school to bring sniffer dogs into the school to search for drugs. The police had no knowledge that drugs were present in the school and would not have been able to obtain a warrant to search the school. The search took place while all the students were confined to their classrooms. In the gymnasium, the sniffer dog reacted to one of the unattended backpacks lined up against a wall. Without obtaining a warrant, the police opened the backpack and found illicit drugs. They charged the student who owned the backpack with possession of cannabis marihuana and psilocybin for the purpose of trafficking.

At trial, the accused brought an application for exclusion of the evidence, arguing that his rights under s. 8 of the *Canadian Charter of Rights and Freedoms* had been violated.

The trial judge allowed the application, finding two unreasonable searches: the search conducted with the sniffer dog and the search of the backpack. He excluded the evidence and acquitted the accused. The Court of Appeal upheld the acquittal.” (pp. 3 – 4).