**Case 1: Pocket Search**

1. The key points of the case include:
   * A police officer stopped the accused as he walked home late at night.
   * The officer thought the accused might be high and also thought he detected the smell of crystal meth smoke.
   * The officer noticed a bulge in the jacket pocket of the accused.
   * The officer reached into the pocket and took some crystal meth.
   * The accused was charged for possession of an illegal drug.
2. The crystal meth should not be admitted into evidence. Section 8 of the *Charter* guarantees security from unreasonable search and seizure. To have a person, even a police officer, stick their hand into one's pocket without warning would certainly be considered unreasonable. Police powers of search are restricted by complex rules because they often intrude where there is an expectation of privacy and can lead to serious consequences for those searched. A search such as this could only be undertaken after a suspect was arrested.

## Case 2: House Search

1. The key points are:
   * The police were informed of illegal weapons in Silky's house.
   * The police obtained a warrant to search Silky's house for the weapons.
   * When the police tried to execute the warrant, Silky would not let them into the house.
   * The police forced their way into the house.
   * Cocaine was discovered and seized.
   * The police strip-searched the occupants of the house.
2. The police were not guilty of break-and-enter. Silky refused them admission to the house when the court had given them a legal right to enter. So long as excessive force was not used, the entry was legal.
3. If an illegal substance such as cocaine is discovered in the course of a legal search for something else, its seizure is legal. Police could hardly ignore what is essentially evidence of a crime in progress. The seizure would not be covered by any expectation of privacy arising out of Section 8 of the *Charter*.
4. The strip searches would not be legal. Policy have the authority to search people who have been arrested but the facts of the case do not indicate that they were arrested. The warrant authorized a search of the house not of its occupants. They would have an expectation of privacy and this would likely be considered an unreasonable search under Section 8 of the *Charter*.

## Case 3: Search Without a Warrant

1. The key facts of the case are:
   * The police suspected the accused in a series of break-and-enters.
   * A valuable stamp collection was stolen in the last break-and-enter.
   * The police chatted to the suspect through a screen door.
   * The police saw a stamp album inside the home of the accused.
   * The police entered the house and seized the album.
   * The album was the one stolen.
   * The accused was charged.
2. The stamp album should not be allowed into evidence. Police are not permitted to enter a home without a warrant unless there is probable cause. The stamp album they saw could have been any stamp album. There was no indication it was the stolen album. This is not sufficient justification for the police to force entry into a home. The search violated Section 8 of the *Charter*.
3. Recognizing an escaped convict would be ample reason to enter the house. His presence there would be evidence of a crime in progress and, as an escaped convict, there would be a warrant for the brother's arrest. This would give the police the authority to enter despite Section 8 of the *Charter*.

## Case 4: Detention

1. The facts of the case are:
   * You got into a serious fight.
   * Several people, including a police officer, were injured.
   * You were arrested and jailed on a Friday night.
   * You were brought before a judge on the following Tuesday, due to the long weekend.
2. No. This was not a legal detention. Initially, the police acted correctly. The length of time you were in custody without being brought before a judge is what makes this detention illegal. Under Section 9 of the *Charter* it became arbitrary due to the delay in getting you to court. You must be brought before a judge within 24 hours of being arrested.
3. Your lawyer should have applied for a writ of *habeas corpus* as specified in Section 10 of the *Charter*. Such a writ is essentially a court order requiring police to produce the accused in court to show cause as to why the accused should continue to be detained.

## Case 5: Arrest

1. The main points in this case are:
   * The police were investigating Evans.
   * A police officer had a conversation with Evans.
   * The officer didn't trust Evans, thinking him "mean, evasive and shifty."
   * The officer told Evans he was under arrest.
   * Evans ran but was later captured and charged with escaping lawful custody.
2. For an arrest to be legal, the police officer must identify himself or herself, tell the person that he or she is under arrest, identify the charge for which the person is being arrested and touch the person to indicate that they have been restrained and are in custody.
3. The defence has many possible arguments. Aside from the fact that there were no grounds for the original investigation because there is no such charge as cruelty to law students, the defence would argue that the defendant was never in legal custody and could not, therefore, have escaped from it. Counsel for the defence would point out that the officer had neither physically restrained Evans nor told him of the charge. In fact, there was no legal charge. The facts indicate that the officer was about to arrest Evans because Evans was believed to be mean, evasive, and shifty. This is hardly an offence. The facts also do not clearly indicate that the officer identified himself or herself, although that may be inferred by the fact that the pair was conversing.
4. Evans should be found not guilty because he was never in lawful custody. The arrest was a sham. There was no legal charge so the officer could not inform Evans of it. There was no touch to indicate physical custody. It is also possible that the officer did not identify himself or herself. The legal requirements of arrest were not met.

## Case 6: Right to Counsel

The right to counsel would be nullified if those gathering evidence for the prosecution could listen to the client counsel discussing the case. The courts have held that the right to retain and instruct counsel requires that the consultation be private and confidential. The police should have left the room. The rights of the accused were violated.