

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Clark, 2017 SCC 3, [2017] 1 S.C.R. 86 | **Appeal heard:** January 18, 2017  **Judgment rendered:** January 18, 2017  **Docket:** 36813 |

Between:

**Frederick Allen Clark**

Appellant

and

Her Majesty The Queen

Respondent

and

Attorney General of Ontario,

Attorney General of Quebec,

Attorney General of Alberta,

Canadian Association of Chiefs of Police and

**Criminal Lawyers’ Association (Ontario)**

Interveners

**Coram:** McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

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| **Reasons for Judgment:**  (para. 1) | McLachlin C.J. (Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ. concurring) |

R. *v.* Clark, 2017 SCC 3, [2017] 1 S.C.R. 86

Frederick Allen Clark Appellant

v.

Her Majesty The Queen Respondent

and

Attorney General of Ontario,

Attorney General of Quebec,

Attorney General of Alberta,

Canadian Association of Chiefs of Police and

Criminal Lawyers’ Association (Ontario) Interveners

**Indexed as: R. *v.* Clark**

2017 SCC 3

File No.: 36813.

2017: January 18.

Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

on appeal from the court of appeal for british columbia

*Constitutional law — Charter of Rights — Search and seizure — Remedy — Exclusion of evidence — Telewarrant sought by police officer to investigate theft of electricity — Judicial justice questioning officer as to reasons for which telewarrant sought — Court of Appeal finding that impartiality of judicial justice not compromised by conversation with officer — Court of Appeal finding that impracticability requirement for issuance of telewarrant met and exclusion of evidence unwarranted — Setting aside of acquittals and order for new trial upheld.*

APPEAL from a judgment of the British Columbia Court of Appeal (Frankel, Tysoe and Willcock JJ.A.), 2015 BCCA 488, 380 B.C.A.C. 15, 655 W.A.C. 15, 344 C.R.R. (2d) 226, 330 C.C.C. (3d) 448, [2015] B.C.J. No. 2558 (QL), 2015 CarswellBC 3431 (WL Can.), setting aside the accused’s acquittals and ordering a new trial. Appeal dismissed.

Julian van der Walle, Micah B. Rankin and Jeremy G. Jensen, for the appellant.

W. Paul Riley, Q.C.,and François Lacasse, for the respondent.

Michael Bernstein, for the intervener the Attorney General of Ontario.

Written submissions only by Abdou Thiaw, for the intervener the Attorney General of Quebec.

Melanie Hayes-Richards, for the intervener the Attorney General of Alberta.

David Lynass and Megan Howery, for the intervener the Canadian Association of Chiefs of Police.

Ian R. Smith and Amy J. Ohler, for the intervener the Criminal Lawyers’ Association (Ontario).

The judgment of the Court was delivered orally by

[1] The Chief Justice — We are all of the view that the appeal should be dismissed, substantially for the reasons of Justice Frankel in the Court of Appeal.

*Judgment accordingly.*

Solicitors for the appellant: Julian van der Walle Law Corporation, Vernon; Jensen Law Group, Kamloops.

Solicitor for the respondent: Public Prosecution Service of Canada, Vancouver.

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

Solicitor for the intervener the Attorney General of Quebec: Attorney General of Quebec, Québec.

Solicitor for the intervener the Attorney General of Alberta: Alberta Department of Justice, Edmonton.

Solicitor for the intervener the Canadian Association of Chiefs of Police: Edmonton Police Service, Edmonton.

Solicitors for the intervener the Criminal Lawyers’ Association (Ontario): Fenton, Smith, Toronto.