

R. v. Blais, [2018] S.C.C.A. No. 132

Supreme Court of Canada Rulings on Applications for Leave to Appeal and Other Motions

Supreme Court of Canada

Record created: March 27, 2018.

Record updated: July 4, 2019.

File No.: 38053

[2018] S.C.C.A. No. 132 | [2018] C.S.C.R. no 132

Isaël Blais v. Her Majesty the Queen

Appeal From:

ON APPEAL FROM THE COURT OF APPEAL FOR QUEBEC

Case Summary

Status:

Application for leave to appeal dismissed (without reasons) July 4, 2019.

Catchwords:

Charter- Criminal law — Search and seizure — Interception of communications — Text messages — Prior judicial authorization — Whether initiating and carrying on conversation by text messaging in order to gather evidence and use it at future trial amounts to surreptitious recording of private communication within meaning of Part VI of Criminal Code, R.S.C. 1985, c. C-46, even where one participant consents because he is agent of state — If so, whether recording such communication without prior judicial authorization is contrary to Charter — If so, whether incriminating evidence obtained as result should be excluded under s. 24(2) of Charter.

Case Summary:

Using a cell phone seized during an investigation concerning a person who was the main drug dealer at a secondary school, a police officer texted Mr. Blais and asked whether he could sell him drugs. After a few exchanges, Mr. Blais agreed to meet him and sell him 30 methamphetamine tablets. When Mr. Blais arrived at the agreed meeting place, he was arrested by the police. He was convicted of nine counts of trafficking in a substance and possession for the purpose of trafficking. On appeal, he argued, among other things, that prior judicial authorization was required for a police officer to initiate communication by text messaging using the identity of a third party whose cell phone had been lawfully seized. The Court of Appeal dismissed the appeal.

Counsel

Nicola Salomone (Dumas Gagné Théberge), for the motion.

Nicolas Abran (Directeur des poursuites criminelles et pénales du Québec), contra.

Chronology:

1. Application for leave to appeal:

FILED: March 27, 2018.

SUBMITTED TO THE COURT: August 13, 2018.

DISMISSED: July 4, 2019 (without reasons)

Before: R.S. Abella, C. Gascon and R. Brown JJ.

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Québec), Number 200-10-003284-168, 2017 QCCA 1774, dated November 9, 2017, is dismissed.

Procedural History:

Motion to exclude evidence dismissed

August 6, 2015

Court of Québec

Judge Émond

Applicant convicted of nine counts of trafficking in substance
and possession for purpose of trafficking

April 27, 2016

Court of Québec

Judge Émond

Motion for stay of proceedings dismissed

August 3, 2016

Court of Québec

Judge Émond

Appeal dismissed

November 9, 2017

Quebec Court of Appeal (Québec)

St-Pierre, Gagnon and Rancourt JJ.A.

2017 QCCA 1774; [2017] J.Q. no 15774

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