

In the Court of Appeal of Alberta

Citation: R. v. Weaver, 2003 ABCA 306

Date: 20031024
Docket: 0303-0285-A3
Registry: Edmonton

Between:

Her Majesty the Queen

Applicant

- and -

Tyler Jason Weaver

Respondent

**Oral Reasons for Decision of
The Honourable Mr. Justice Côté**

Appeal from the Decision by
The Honourable Mr. Justice J.L. Foster
Dated the 21st day of August, 2003

**Oral Reasons for Decision of
The Honourable Mr. Justice Côté**

[1] I give the Crown leave to appeal from the decision of Mr. Justice Foster on two questions of law.

[2] The first question is whether a trial judge can give relief for *Charter* breaches which do not arise from issues raised by the Information, and which do not engage exclusion of evidence under s. 24(2) of the *Charter*.

[3] The second question of law is whether Mr. Justice Foster stated the correct standard of review for appeal from the Provincial Court to the Court of Queen's Bench in the summary conviction matter.

Application heard on October 23, 2003

Reasons filed at Edmonton, Alberta
this 24th day of October, 2003

Côté J.A.

Appearances:

D.C. Marriott
for the Applicant

S.K.C. Prithipaul
for the Respondent