

Lists

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32. Canada submits that although the police gathered the evidence contrary to s. 8 of the Charter, the evidence was properly admitted under s. 24(2) of the Charter. In *R. v. Collins*, the Supreme Court held that a three-fold test must be followed in order to assess whether evidence that has been obtained in a manner that violates the Charter should be excluded. Under that test, the Court looks at whether the admission of the evidence would affect trial fairness. The Court also looks at whether the Charter violation was serious. Finally the Court looks at whether the admission of the evidence in all of the circumstances of the case would bring the administration of justice into disrepute.

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- (a) whether the admission of the evidence would affect trial fairness;
- (b) whether the Charter violation was serious;
- (c) whether the admission of the evidence in all of the circumstances of the case would bring the administration of justice into disrepute.