



R. v. Shankar, 2007 ONCA 280 (CanLII)

For more information, [Go to Nelson Social Studies](#) 

Corey Shankar was driving his car without its tail lights illuminated when police pulled him over at 2:30 a.m. in late October 2004. The police asked for his licence, registration, and insurance. Shankar gave them a driver's licence in the name of Jason Singh, a yellow sticky note with insurance information handwritten on it, and a photocopy of the vehicle registration. When questioned about his name on the licence, Shankar spelled the name "Sing" rather than "Singh" and gave the wrong unit number of the address.

Based on this, the police arrested Shankar for attempting to mislead them about his identity and physically removed him from the car. Shankar told them that they were not allowed to search the car. When the police patted him down for weapons, they discovered that Shankar was wearing two bulletproof vests. He explained that he needed them because people "want to kill me." A search of the car revealed a semi-automatic hand pistol, a fully loaded ammunition clip in the trunk, and a hunting knife and fully loaded revolver in the locked glove box. At trial, Shankar did not testify or call any evidence. He was convicted on two counts of possession of loaded, prohibited firearms and public mischief.

Shankar appealed his conviction to the Ontario Court of Appeal, where the appeal was heard in March 2007. In a unanimous judgment on April 17, 2007, the court dismissed his appeal.



Police require reasonable and probable grounds to search a suspect.

For Discussion

1. Although the trial judge stated that the extended search was not reasonably necessary and was a section 8 Charter breach, he still admitted the guns into evidence. Why do you think he did this?
2. What arguments do you think Shankar could make to support his view that the evidence should not have been admitted pursuant to section 24(2) of the Charter?
3. What does "police search incident to arrest" mean?
4. How does "police search incident to arrest" apply in this case? Explain.