

***R. v. Pinchak* 2010 ABPC 44** per  
Dunnigan, PCJ:

Impaired driving trial. Accused failed a screening test and was arrested for impaired driving. 10(b) rights read to accused, and accused spoke to counsel. The breath demand was not read until after accused finished exercising his right to counsel.

**Held: No 10(b) breach.**

Timing of the breath demand was “unusual.” However, as per ***Schmautz*** [1990] 1 SCR 398, “there was a close factual connection between the reasons given for the arrest and the advice of the right to counsel and ... the demand for breath samples.” The arrest, right to counsel and breath demand all formed part of one transaction.