

**R. v. Valliere 2010 ABPC 54** per  
Maher, PCJ:

Impaired driving trial. Section 8  
breach – objective reasonable grounds  
to arrest found not to exist. Issue  
regarding application to exclude  
Certificate pursuant to s. 24(2).

**Held: Certificate admitted.**

Not a serious breach. Arresting officer  
had a subjective belief that the  
accused's ability to drive was  
impaired. "No hint of any wilful or  
reckless disregard of the accused's  
Charter right." As per *Grant* (2009),  
245 CCC (3d), "breath sample  
evidence ... collection is relatively nonintrusive."  
Adjudication on the merits  
analysis favoured admission. "[T]he  
higher the breath sample analysis  
readings might be ... the greater the  
negative impact on the repute of the  
administration of justice in having the  
results of the analysis excluded."