

NEWS

Deadline: Wednesday at 12:00 noon Newsdesk 453-4983

Law students debate privacy rights at Moot Court

by Aime Phillips

The argued case in the 29th annual Harrison Shield Moot Court competition held last Wednesday was based on whether the accused's right to privacy was violated when police obtained and executed a search warrant which resulted in the discovery of marijuana after detecting the odour of the drug from the accused's basement window.

Representing the Appellant on behalf of the client were Andrea Doyle and John Evans. Counsel for the Respondent, on behalf of the crown were Elizabeth Waterston and Jeffrey Keefe.

All four are students in their final year of legal studies at

UNB.

Each counsel spoke for approximately 25 minutes citing cases of precedence to back up arguments. Judges would, upon occasion, interrupt to clear up questions and clarify point. Judges were referred to as "My Lord" and all wore ceremonial dress.

The case at issue was based on the fact a policeman obtained a search warrant for the accused's apartment after trespassing. When the odour of marijuana was detected the officer was on the driveway of the apartment building in an area market private.

The Appellant argued under the Charter of Human Rights and Freedoms the accused's right to privacy had been

violated by these officers by the warrantless search of their window.

Doyle claimed the police officers were initially acting against their common law privileges and there was insufficient evidence to obtain a warrant in the first place.

Doyle also argued while the driveway is not owned exclusively by the tenant it is clearly marked private. Therefore, "ownership is immaterial under these circumstances . . . Police cannot be allowed to go anywhere they please, a balance is needed."

Evans argued the fairness of the trial, the seriousness of the violation and the effect on the administration of justice. The Appellant concluded their case with "a right is worthless unless it is respected as a

right."

Waterston, for the Respondent, claimed that in this case only the territorial and spatial aspect of an individual's right to privacy was in question, and further argued "a driveway is a common area". The police officers were doing their job.

Keefe concluded the average person would perceive the accused as "getting off on a technicality" should the judges find in favor of the Appellant.

In the 5 minute rebuttal, Doyle claimed the accused had the right to a reasonable expectation of privacy.

The panel of judges for this year's competition were Jules Deschenes, retired Chief Justice of the Superior Court of Quebec, John McNair, retired justice of the Federal Court of

Canada, and Justice Ronald Stevenson of the New Brunswick Court of Queen's Bench.

No decision was made in respect to the merits of the case. The judges "left that to the imagination."

The Harrison Shield was awarded to the Appellant, Doyle and Evans after a close contest.

The William Henry Harrison Memorial Shield was presented to the Faculty of Law in 1962 for the annual moot competition by Mr. James G. Harrison in memory of his brother, the Honourable William Henry Harrison, D.S.O., LL.D, Justice of the Supreme Court of New Brunswick, and the Dean of the Faculty of Law of UNB from 1947 to 1955.

15th Annual Shell Canada Fuelathon

by Murray Carew

Shell Canada is having their 15th Annual Shell Canada Fuelathon on May 21, 22 and 23 at Shell's Oakville Research Centre.

The competition is open to engineering students across North America who design and build cars to compete five laps around the Research Centre's track on the least amount of fuel.

Apparently, the Honorable Jake Epp, Federal Minister of Energy, mines and Resources will be attending the fuelathon on May 23.

Three students at UNB are planning to enter in the event next year.

Bruce Morton, Frank Schimpal, mechanical engineering students, and Darren Lee a business student worked on a preliminary design for their car last summer, which

consists of drawings and technical reports of the car.

Morton also spent some of his time during the March break presenting their project to various companies who could donate materials for the construction of their car to support the project. Such companies include Alcan Aluminum and Michelin Tires.

The group is also looking for financial support from businesses in Fredericton.

Last year Lee and Morton went to the Fuelathon as observers. The University of Waterloo's "Astral" car won the competition last year achieving 2,478.8 miles per Imperial gallon.

This year a team from Lycee Prive Technique Industriel in France is expected to compete against North American engineering students in the Special's Class at this year's Fuelathon.

STU professor pleads guilty to assault charge

by Murray Carew

Dr. Thomas Arthur Fish, a St. Thomas University Associate Professor of Psychology pleaded guilty to a charge of assault last week.

Fish has been fined \$300 plus a \$45 victim surcharge or 33 days in jail, placed on probation for six months. He also was ordered to attend a course for assaultive men.

According to an article in *The Daily Gleaner*, the domestic assault occurred on February 20. After an argument with his wife the

night before, Fish got up and tripped on a binder then fell down the stairs.

He began shouting and calling his wife names and approached her with a poker from a fireplace.

Because there was no physical contact and the incident was an assault by gesture and acts, Defense Council Peter Corey asked for a discharge.

But Judge Judy L. Clendening said the incident was a very serious criminal offense and she would not consider a discharge.

Three year \$560, 000 project to enrich teacher education programs

by Randy Goodleaf

UNB and IBM Canada officially unveiled a three year \$ 560,000 project to enrich teacher education programs at UNB. IBM has contributed \$275,000, while UNB has provided \$285,000.

The project consist of contributions of hardware, software and training by IBM. UNB will provide personnel, technical support, space, facilities, and funds for research and curriculum development.

Prof. Karen Sullenger of the Faculty of Education says the goal of the program is to enhance the teaching and learning of science and mathematics, from kindergarten through grade 12.

The project will also provide support to those teachers who are already exploring the use of computers in the classroom. The program will examine the effectiveness of microcomputers in the teaching and learning of these two disciplines.

Tom Gillette, vice-president of IBM Canada's public sector and Atlantic region said IBM sees educational initiatives as a matter of economic survival for Canada, which depends on the competitiveness of our technology sector.

This goal can be achieved by developing collaborative research in primary and secondary schools. As part of the agreement, all results must be freely available to the general public.



Signed agreement: Tom Gillette (left), vice president of IBM Canada's public sector and Atlantic region, and Dr. Robin Armstrong, president of UNB, signed the agreements which unveil a three year \$560, 000 project to enrich teacher education programs at UNB.

Randy Goodleaf photo.