

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Clarke, C.J.N.S., Jones and Morrison, JJ.A.

BETWEEN:	)	Kenneth W.F. Fiske,
	)	for the appellant
	)	
HER MAJESTY THE QUEEN,	)	Patrick J. Duncan,
	)	for the respondent
Appellant	)	
- and -	)	Appeal Heard:
	)	June 13, 1986
TERRY BEALS,	)	
Respondent	)	Judgment Delivered:
	)	June 13, 1986

THE COURT: Appeal dismissed from decision of trial judge quashing an indictment because s. 11 (b) of the Charter of Rights and Freedoms was infringed, per reasons for judgment of Clarke, C.J.N.S., Jones and Morrison, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally  
by:

CLARKE, C.J.N.S.:

Pursuant to s.24(1) of the Canadian Charter of Rights and  
Freedoms, Mr. Justice Kelly of the Trial Division quashed an  
indictment against the respondent on the basis that his right to  
be tried within a reasonable time had been denied. He relied upon  
s.11(b) of the Charter, which reads:

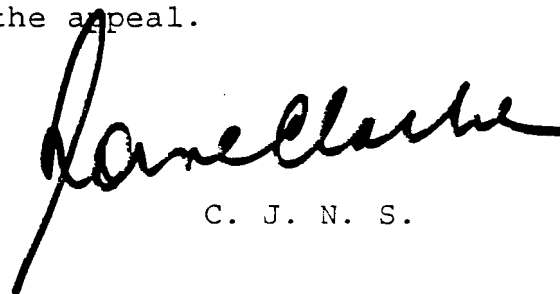
"11. Any person charged with an offence has the right

...

(b) to be tried within a reasonable time."

The Crown appeals from the decision contending that the trial  
judge committed an error in law.

It is our unanimous opinion that the trial judge committed no  
error in law and for that reason we dismiss the appeal.



C. J. N. S.

Concurred in:

Jones, J.A. *Mey*  
Morrison, J.A. *M*