

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. M.J.R.*, 2007 NSCA 85

Date: 20070711

Docket: CAC 272734

CAC 276894

Registry: Halifax

Between:

M.J.R.

Appellant

v.

Her Majesty the Queen

Respondent

- and -

Her Majesty the Queen

Appellant

v.

M.J.R.

Respondent

Restriction on Publication: Pursuant to s. 486(3) of the **Criminal Code of Canada**, R.S.C. 1985, c. C-46, as amended.

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: January 22, 2007 & June 1, 2007

Subject: **Criminal law, reporting under SOIRA, s. 490.019, 490.022, 490.023, 490.024 and 490.026**

Summary: Mr. R. was serving his sentences for four sexual convictions when **SOIRA** came into effect. He was served with Form 53 requiring him to report under **SOIRA** for life. He applied under s.490.023 of the **Criminal Code** to a provincial court judge for an exemption from

reporting. His application was denied but the judge, on the advice of both counsel, reduced his reporting obligation to 20 years in her first decision. The Crown applied to the same judge to return his reporting obligation to life, which she did in her second decision. The Crown appealed the judge's first decision reducing his reporting period to 20 years. Mr. R. appealed her second decision increasing it to life.

Issue: Did the judge have jurisdiction to reduce Mr. R.'s reporting obligation to 20 years in her first decision? Did the judge err in returning his reporting obligation to life?

Result: Crown's appeal allowed. The provincial court judge had no jurisdiction to reduce the duration of Mr. R.'s reporting obligation to 20 years in her first decision. The **Criminal Code** makes no provision by which duration can be altered at this time. Duration may be necessarily determined at a later time on an application for termination pursuant to s. 490.026. Mr. R.'s appeal dismissed. As a result of allowing the Crown's appeal and quashing the judge's first decision purporting to reduce the duration of his reporting period to 20 years, Mr. R. has nothing to gain from his appeal being allowed.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 11 pages.