

PROVINCIAL COURT OF NOVA SCOTIA

Citation: *R. v. Patterson*, 2015 NSPC 91

Date: 2015-12-31

Docket: 2708048, 2708056
2708057, 2708058

Registry: Pictou

Between:

Her Majesty the Queen

v.

Travis Lee Darnell Patterson

DECISION REGARDING TRIAL MANAGEMENT

Judge: The Honourable Judge Del W. Atwood

Heard: 19 May 2015, in Pictou, Nova Scotia

Charge: Sections 4, 5 and 8 of the Controlled Drugs and Substances Act; section 216 of the Excise Act

Counsel: Bronwyn Duffy for the Public Prosecution Service of Canada
Wayne Bacchus for Travis Lee Darnell Patterson

By the Court:

[1] Mr. Patterson is charged under the *Controlled Drugs and Substances Act* with possessing, producing and trafficking cannabis; he is also charged under the *Excise Act* with possessing contraband tobacco. He elected trial in this court on the indictable production and trafficking charges, and pleaded not guilty across the board. The protracted history of this case is spelled out in part in 2015 NSPC 33. In summary, Mr. Patterson has been represented by four different counsel in court: Stephen Robertson of Nova Scotia Legal Aid, Ian A. MacKay Q.C., Raymond Kuszelewski, and now Mr. Bacchus; he has claimed in the past to have retained a Ms. McCarthy, although Ms. McCarthy never appeared in court on these matters. Three trial dates have been inscribed for Mr. Patterson: 26 January 2015, 13 August 2015, and 4 December 2015. The first two fell through when Mr. Patterson discharged his counsel on the eve of trial. On 1 December, Mr. Bacchus, at that point having been only just retained by Mr. Patterson, made an application to adjourn the 4 December trial date; I granted Mr. Bacchus's application, and these charges are now set to be tried for the entire day on 8 April 2016.

[2] Fully six hundred and forty-seven days have elapsed since Mr. Patterson's arraignment on 24 March 2014. In that time, as I noted above, Mr. Patterson has gone through four different defence counsel, and is now on his fifth. Mr. Patterson has had his case, based on his initial election, up in Supreme Court, and later, based on his re-election with the consent of the prosecution, returned to this court. Indeed, the federal prosecutor has displayed much forbearance and fairness throughout, particularly in recognizing that it is in Mr. Patterson's interest to be represented by counsel.

[3] The most recent report on criminal-case-processing times in Canada informs me that the median time for case completion in this country is 123 days. Nova Scotia's median exceeds that by thirty-two days.¹ However, the processing-time median in this judicial centre is 102 days. And so it is that Mr. Patterson's case must move along smartly. Fortunately, Mr. Bacchus has demonstrated great diligence and professionalism in acquainting himself fully with the issues that I understand will be live in this trial, and I do not expect that the court will encounter any further delays.

¹ Ashley Maxwell, "Adult criminal court statistics in Canada, 2013/2014" (2015) Juristat, online: <<http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14226-eng.pdf>>.

[4] Based on a pre-trial teleconference which I conducted on the record with counsel on 24 December 2015, and in order to ensure that Mr. Patterson's trial be conducted fairly, reasonably and efficiently, the court makes the following orders in accordance with sub-s. 2.5(1) and para. 3.1(3)(b) of the Nova Scotia Provincial Court Rules:

- Defence counsel shall file with the court and deliver to the prosecution no later than 12 February 2016 a designation of counsel signed by Mr. Patterson, along with a notice of any *Charter* relief or evidence-exclusion remedy being sought, accompanied by a brief; the brief shall include any affidavits counsel might feel appropriate.
- The prosecutor shall file with the court and deliver to defence counsel no later than 11 March 2016 the prosecution's reply brief.
- Copies of cases need not be included in the briefs; citations of cases will be sufficient.
- To the extent that is reasonably possible, counsel will endeavour to deal with legal issues on a pre-trial-hearing basis; in order to facilitate this, the court will arrange to have Mr. Bacchus appear via video link, or will schedule pre-trial teleconferences to be conducted on the record.

[5] I appreciate greatly the assistance of counsel in promoting the effective and fair management of this case.

J.P.C