

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Routledge, 2010 NSPC 45

Date: July 9, 2010
Docket #: 2177088/89/90
Registry: Sydney

Between:

The Queen

v.

Darryl Todd Routledge
James Della Valle and
Joseph Darrell McNeil

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Judge: A.P. Ross

Decison: 9 July 2010

Summary:

Application by defendants that their right to trial within a reasonable time under s11(b) of the Charter has been infringed, and for the remedy of a stay of proceedings. Defendants charged under provincial Occupational Health and Safety legislation after asbestos-containing insulation found in certain public housing units. Summary proceedings. Overall delay, for the purpose of the application, depending on the particular defendant, found to be 18 to 20 months, meriting a review of the reasons for delay. Some evidence of actual prejudice arising from the publicity given to the events in the media, but no restrictions on the liberty of the defendants, nor any impairment in the ability to mount a defense.

HELD: No breach of the 11(b) right of any of the defendants. Institutional delay found to be 9 to 11 months, with an additional month attributable to Crown. Large volume of disclosure justified 8 months being attributed to intake requirements and

the inherent time requirements of the case. Some time considered neutral.

The disclosure process is examined. Crown's desire to keep all defendants together for docketing purposes, requests to adjourn by a fourth defendant who later pled guilty, special efforts undertaken by court to reschedule trials, and the notoriety attaching to the cases are all discussed and considered.

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