

**IN THE PROVINCIAL COURT OF NOVA SCOTIA**  
**Citation: R. v. Reddick, 2010 NSPC 56**

**Date: September 27, 1010**  
**Docket: 2175910, 2175911, 2175912**

**Between:**

**Her Majesty the Queen**

**Informant**

v.

**Joseph Nolan Reddick**

**Accused**

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**Judge:** The Honourable Judge Del W. Atwood

**Date Heard:** September 9, 2010, New Glasgow, Nova Scotia

**Oral Decision:** September 10, 2010

**Charges:** Section 145(5.1)CC, Section 733.1(1)CC,  
Section 33 (2) CC

**Subject:** Charter–remedies–section 7–abuse of process–stay of proceedings.

**Summary:** The Crown failed to obtain a s. 527 prisoner transport order in time to procure the accused's attendance in court the date of his trial. The Crown sought an adjournment of the trial. Defence opposed the application, and sought a stay of proceedings.

**Issue:** **Did the failure to procure the accused's attendance in court for his trial constitute an abuse of process warranting a stay of proceedings.**

**Result:** **Crown's application for an adjournment not granted; defence application for a judicial stay of proceedings granted. R. v.**

***MacDonald* (1989), 94 N.S.R. (2d) 220 (Prov. Ct.) and R. v. Fuhrer  
2007 ABQB 58 cited with approval.**

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