

PROVINCIAL COURT OF NOVA SCOTIA**Citation:** *R v. Tracey*, 2013 NSPC 47**Date:** 20130617**Docket:** 2601318, 2601320**Registry:** Pictou**Between:**

Her Majesty the Queen

v.

William Edward Tracey

Judge: The Honourable Judge Del Atwood**Heard:** 17 June 2013 in Pictou, Nova Scotia**Charge:** Sub-s. 264.1(1)CC and para. 348(1)(b) of the Criminal Code of Canada**Counsel:** William Gorman, for the Nova Scotia Public Prosecution Service
Douglas Lloy, Nova Scotia Legal Aid, for William Edward Tracey

By the Court:

[1] Thank you very much, counsel. Having heard the facts and having reviewed Dr. Pottle's report and diagnosis, which is before the Court with the consent of counsel in accordance with the provisions of section 672.2 of the *Code*, and in accordance with the provisions of sections 672.34 of the *Code*, the Court would record verdicts as follows: in respect of each of the charges, the Court finds that the accused committed the act that formed the basis of the offence charged but was, at the time, suffering from mental disorder as to be exempt him from criminal responsibility in virtue of sub-section 16(1) of the *Code*. Therefore in relation to each charge, the Court renders a verdict that the accused committed the act but is not criminally responsible on account of mental disorder.

[2] I take it that the parties are in agreement that the matter of disposition be dealt with by the Review Board and that Mr. Tracey be remanded until that time.

[3] Mr. Lloy: That's correct, Your Honour. The only two comments that my client has insisted that I make is that he has been off psychiatric medication for some time but he has been able to successfully take it for the past six years. He's not opposed to taking it but he does not wish to take it at the direction of the East Coast Forensic. He will do it when he's outside possibly.

[4] The Court: Well, the Court can't order treatment in any event.

[5] Mr. Lloy: Understood.

[6] The Court: Thank you very much for bringing that to the attention of the Court, Mr. Lloy. Accordingly, the Court declines to order a disposition in relation to the charges before the Court and, pursuant to the provisions of section 672.45(1.1) of the *Code*, the Court orders and directs that a record of this proceeding be transmitted as soon as possible to the Review Board for the Province of Nova Scotia and that the matter of disposition be referred to the Review Board.

[7] The Court will also order and direct, pursuant to section 672.46(1) of the *Code* that Mr. Tracey be remanded to the East Coast Forensic Hospital for the purposes of a Review Board Hearing; the Court will also order and direct, pursuant to section 516(2) of the *Code* that the warrant of remand be endorsed that, while in custody, Mr. Tracey is to have no contact or communication, directly or indirectly, with Beverley Ann Tracey.

J.P.C.