

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Watt*, 2007 NSSC 20

Date: 20070122

Docket: CR 255406

Registry: Halifax

Between: Her Majesty the Queen

Respondent

v.

Roderick Watt

Defendant

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Judge: The Honourable Justice Felix A. Cacchione

Heard: December 4th, 2006 in Halifax, Nova Scotia

Subject: Stay of Proceedings

Summary: Accused was charged in January, 2005. Trial was set for April 2006. One week before trial accused was given disclosure of police reports from November 2005. As a result of these reports accused asked for third party records of the complainant. Crown advised the accused that complainant was consenting to release of these records. Trial adjourned to December 2006 for production of records. Nothing was done until shortly before the start of the December trial. One week before second trial date records were finally disclosed. The second trial had already been adjourned due to the non-disclosure.

Issue: Were the accused's rights under s.7 of the Charter infringed?

Result: Stay granted. Crown breached an undertaking given by the accused to produce the third party records. Crown never advised accused that he should bring a third party records application due to Crown's inability to comply with undertaking given.

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