

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Casey*, 2015 NSSC 187

Date: 20150625

Docket: Amh No. 430792

Registry: Amherst

Between:

Her Majesty the Queen

Appellant

v.

Kesha Melissa Casey

Respondent

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Judge: The Honourable Justice Gerald R. P. Moir

Heard: March 19, 2015, in Amherst, Nova Scotia

Final Written Submissions: April 30, 2015

Subjects: Criminal law; summary conviction appeal; sentencing; credit for time served; *Criminal Code* s. 719

Summary: For more than two weeks when on remand, the offender was deprived of medication prescribed for her bipolar disorder while she awaited sentencing despite her requests, her lawyer's pleas, the recommendations of judges, and one judge's order. The sentencing judge found her constitutional right to security of the person had been egregiously violated by officials at Burnside. He allowed a two for one credit despite s. 719 as a s. 24(1) remedy.

Issues: Whether exceeding the s. 719(3.1) maximum credit for time served on remand was available as a s. 24(1) remedy.

Result: Agreed with Provincial Court judge's reasoning and suggested that the same result is reached on interpretation of s. 719(3.1) according to the text-in-context approach of *Rizzo Shoes*. The phrase "for each day spent in custody" refers to lawful custody without egregious violations of constitutional rights.

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