

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Hobbs, 2009 NSSC 257

Date: 20090811

Docket: CRH 287874

Registry: Halifax

Between:

Her Majesty the Queen

v.

Kevin Patrick Hobbs

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Judge: The Honourable Justice C. Richard Coughlan

Heard: August 11, 2009, in Halifax, Nova Scotia

Decision Rendered: August 11, 2009 (Orally) (Issue of *Functus Officio*)

**Release of
Written Decision:** August 27, 2009

Subject: Criminal Law - Procedure - Jury Trials - Loss or
Termination of Jurisdiction upon fulfilling function

Summary: After the discharge of the jury, Mr. Hobb's lawyer was
advised by the Crown it was in possession of information

which may be subject to disclosure. Mr. Hobbs applied for a mistrial or a stay of proceedings on the basis of abuse of process.

Issue: Is the judge *functus officio* for the purpose of hearing the motions for mistrial or stay of proceeding?

Result: I am *functus officio* and do not have jurisdiction to hear a motion for a mistrial or judicial stay of proceeding.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***