

CASE NO.

VOLUME NO.

HER MAJESTY THE QUEEN

V.

SCOTT ALLISON SAWLER

Justice Allan P. Boudreau

Kentville, Nova Scotia

S.K. No. 10,029

LIBRARY HEADING

[Cite as: R. v. Sawler,2001 NSSC 184]

HEARD: At Kentville, Nova Scotia, on June 7, 2001.

DECISION: December 6, 2001

SUBJECT: Criminal Law - Charter of Rights - Trial within a reasonable time - Stay of proceedings.

ISSUES: Whether trial judge appropriately entered a stay because of an eighteen months delay in bringing a proceeding by way of summary conviction to trial.

SUMMARY: The trial judge found an eighteen months institutional delay in bringing the matter to trial. The trial judge also found actual prejudice. The trial judge performed an analysis balancing the various interest and entered a stay of proceedings. The Crown appealed

RESULT: Found that the findings of the trial judge were reasonably supported by the evidence. She applied the appropriate tests and it was found that she exercised her discretion reasonably. Appeal dismissed.

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