

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Crowe*, 2013 NSSC 212

Date: 20130704

Docket: CRH 340325

Registry: Halifax

Between:

Her Majesty the Queen

v.

Robert Thomas Crowe

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Restriction on Publication: Section 486 *C.C.C.* (Sexual Assault)

Judge: The Honourable Justice M. Heather Robertson

Heard: June 17, 2013, in Halifax, Nova Scotia

Decision: July 4, 2013

Subject: Motion to declare dangerous offender application a nullity for failure to meet the timelines set out for assessment in 752.1.

Summary: The assessment agreed to be conducted on day 89, 90 and 91. The expert psychiatric report was issued on day 119 following an extension granted by the court.

Issue: Was the failure to conduct the assessment within 60 days fatal to the application and receipt of the expert report into evidence?

Result: Motion dismissed. The report was received with the statutory mandated time frame and this is determinative of compliance with s. 752.1. The court also found that Mr. Crowe consented to be interviewed on the agreed dates with his consent was a waiver of any delay in the assessment. The expert report is admissible.

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