

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Regan, 2004 NSSC 30

Date: 20040108
Docket: CR 213300
Registry: Halifax

Between:

Stephen Gordon Regan

Applicant

v.

Her Majesty the Queen

Respondent

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Judge: The Honourable Justice David W. Gruchy

Heard: January 8th, 2004 in Halifax

Decision: January 8th, 2004

Written Decision: February 2, 2004

Subject: Criminal Law - Review of Bail Revocation

Summary: Applicant was charged with assault and granted bail until trial. After release Applicant was charged with two subsequent assault cases. Provincial Court, on the basis of the new charges, revoked bail. Applicant then pleaded guilty to one of the two assault cases and was acquitted on the other. As Applicant was still on remand for the first case, he applied for bail review pursuant to s.520.

Issue: Does s.520 authorize bail review in these circumstances?

Result: This was not an application for bail review, but rather, an application to review the revocation of bail. Section 520 does not authorize that review nor does there appear to be any section of the Criminal Code authorizing the decision to review a revocation of bail..

As Applicant had already spent in excess of 90 days on remand and that period was in excess of a probable sentence considering the minor nature of the offence and considering the provisions of s.525, the Crown agreed to the judicial interim release of the Applicant.

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