

CASE NO.**VOL. NO.****PAGE**

HER MAJESTY THE QUEEN

DAMON COLE

- and -

(Appellant)

(Respondent)

CAC 159465

Halifax, N.S.

BATEMAN, J.A.

[Cite as: R. v. Cole, 2000 NSCA 42]

APPEAL HEARD:

January 31, 2000

JUDGMENT DELIVERED:

March 24, 2000

SUBJECT: Costs against the Crown in a criminal proceeding.**SUMMARY:** Accused successfully applied for a judicial stay of proceedings in a criminal matter. On the motion, judge found that the Crown, in entering a stay or proceedings pursuant to s.579 **C.C.**, had abused the process of the court (s.7 **Charter**) and that the abuse was so egregious as to warrant a judicial stay. Judge ordered costs against the Crown of \$12,000 on the successful stay motion.**ISSUES:** Crown appeals the costs order only.**RESULT:** Appeal allowed. In ordering costs the judge failed to apply proper principles.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 31 pages.</p>
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