

PROVINCIAL COURT OF NOVA SCOTIA

Citation: Todd Stephen Abbass v. Her Majesty the Queen 2004 NSPC 8

Date: 20040108

Docket: 1231795/96

Registry: Halifax

Between:

Todd Stephen Abbass

v.

Her Majesty the Queen

LIBRARY HEADING

Judge: The Honourable Judge Pamela S. Williams

Heard: December 18, 2003 in Halifax, NS

Written Decision: January 8, 2004

Subject: Criminal Law - Charter of Rights and Freedoms s.11(b)
unreasonable delay

Summary: The Applicant sought a stay of proceedings alleging a violation of the right to be tried within a reasonable time on charges of exceeding the Breathalyzer and impaired driving which occurred on August 28th, 2002. The information was sworn on September 29, 2002. The Applicant was arraigned on November 12, 2002 when he appeared with counsel, tendered a not guilty plea and requested "the first available date for trial." A trial date of December 18, 2003 was given.

Issue: Whether the Applicant's constitutional right to be tried within a reasonable time pursuant to s.11(b) of the Canadian Charter of Rights and Freedoms had been violated.

Result: Institutional delay of 14½ months is unreasonable given the nature of the charges. The complexity of the issues and the inferred prejudice likely to affect the quality of the evidence to be given with the passage of time. Stay of proceedings granted.