

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* MacIntosh, 2013 SCC 23, [2013] 2 S.C.R. 200 | **Date:** 20130422  **Docket:** 34650 |

**Between:**

**Her Majesty The Queen**

Appellant

and

**Ernest Fenwick MacIntosh**

Respondent

**Coram:** McLachlin C.J. and LeBel, Fish, Abella, Rothstein, Moldaver and Karakatsanis JJ.

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| **Reasons for Judgment:**  (para. 1) | McLachlin C.J. (LeBel, Fish, Abella, Rothstein, Moldaver and Karakatsanis JJ. concurring) |

R. *v.* MacIntosh, 2013 SCC 23, [2013] 2 S.C.R. 200

Her Majesty The Queen *Appellant*

v.

Ernest Fenwick MacIntosh *Respondent*

and

Attorney General of Canada *Intervener*

**Indexed as:  R. *v*. MacIntosh**

2013 SCC 23

File No.:  34650.

2013:  April 22.

Present:  McLachlin C.J. and LeBel, Fish, Abella, Rothstein, Moldaver and Karakatsanis JJ.

on appeal from the court of appeal for nova scotia

*Constitutional law — Charter of Rights — Right to be tried within a reasonable time — Accused extradited to Canada to face numerous charges of indecent assault and gross indecency — Delay of more than 14 years between charges being laid and trial, approximately 12 of those attributable to delays by Crown in extraditing accused — Accused seeking a stay of proceedings due to pre- and post-charge delay — Application dismissed and accused convicted at trial — Accused’s right to be tried within reasonable time violated due to post-charge delay — Canadian Charter of Rights and Freedoms, s. 11(b).*

APPEAL from a judgment of the Nova Scotia Court of Appeal (Hamilton, Beveridge and Bryson JJ.A.), 2011 NSCA 111, 250 C.R.R. (2d) 239, 310 N.S.R. (2d) 274, 983 A.P.R. 274, 281 C.C.C. (3d) 291, [2011] N.S.J. No. 660 (QL), 2011 CarswellNS 843, allowing the accused’s appeal from the decision of Kennedy C.J.S.C., 2010 NSSC 105, 289 N.S.R. (2d) 224, 916 A.P.R. 224, 2010 CarswellNS 161, and quashing the accused’s convictions on charges of indecent assault and gross indecency. Appeal dismissed.

Mark Scott, for the appellant.

*David J. Bright*, *Q.C.*, and *Brian P. Casey*, for the respondent.

*Jeffrey G. Johnston*, for the intervener.

The judgment of the Court was delivered orally by

1. The Chief Justice — We all agree with the Court of Appeal, for the reasons of Beveridge J.A., that the right of the accused to be tried within a reasonable time was violated. The appeal accordingly is dismissed.

*Judgment accordingly.*

*Solicitor for the appellant:  Public Prosecution Service of Nova Scotia, Halifax.*

*Solicitors for the respondent:  Boyne Clarke, Dartmouth.*

*Solicitor for the intervener: Attorney General of Canada, Ottawa.*