



**SUPREME COURT OF CANADA**

**CITATION:** R. v. Reilly, 2020 SCC 27

**APPEAL HEARD:** October 13,  
2020

**JUDGMENT RENDERED:** October  
13, 2020

**DOCKET:** 38785

**BETWEEN:**

**Ryan Curtis Reilly**  
Appellant

and

**Her Majesty The Queen**  
Respondent

- and -

**Director of Public Prosecutions, Attorney General of Ontario, Attorney General of  
Quebec, Aboriginal Legal Services, Criminal Lawyers' Association (Ontario), Criminal  
Trial Lawyers' Association and Association québécoise des avocats et avocates de la  
défense**  
Interveners

**CORAM:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and  
Kasirer JJ.

**UNANIMOUS**

**JUDGMENT** Brown J.

**READ BY:**

(paras. 1 to 2)

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R. v. REILLY

**Ryan Curtis Reilly**

*Appellant*

v.

**Her Majesty The Queen**

*Respondent*

and

**Director of Public Prosecutions,  
Attorney General of Ontario,  
Attorney General of Quebec,  
Aboriginal Legal Services,  
Criminal Lawyers' Association (Ontario),  
Criminal Trial Lawyers' Association and  
Association québécoise des avocats et avocates de la défense**

*Interveners*

**Indexed as: R. v. Reilly**

**2020 SCC 27**

File No.: 38785.

2020: October 13.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ.

*Charter of Rights — Remedy — Stay of proceedings — Systemic breach — Accused arrested and detained longer than 24 hours before being taken before justice for bail hearing, contrary to s. 503(1)(a) of Criminal Code — Crown conceding that accused's Charter rights breached by detention — Trial judge finding that accused held for more than 24 hours because of systemic and ongoing problem in province and staying proceedings — Court of Appeal holding that stay inappropriate as individual remedy for systemic Charter breaches and setting it aside — No basis for Court of Appeal to interfere with trial judge's decision — Stay restored.*

### **Cases Cited**

**Referred to:** *R. v. Babos*, 2014 SCC 16, [2014] 1 S.C.R. 309.

### **Statutes and Regulations Cited**

*Criminal Code*, R.S.C. 1985, c. C-46, s. 503.

APPEAL from a judgment of the Alberta Court of Appeal (Martin, Slatter and Pentelechuk JJ.A.), 2019 ABCA 212, 88 Alta. L.R. (6th) 17, 376 C.C.C. (3d) 497, [2019] 9 W.W.R. 60, [2019] A.J. No. 676 (QL), 2019 CarswellAlta 1016 (WL Can.), setting aside a stay of proceedings ordered by Cocharde Prov. Ct. J., 2018 ABPC 85, 411 C.R.R. (2d) 10, [2018] A.J. No. 482 (QL), 2018 CarswellAlta 783 (WL Can.). Appeal allowed.

*Deborah Hatch and Michael Bates*, for the appellant.

*Jason R. Russell*, for the respondent.

*Éric Marcoux*, for the intervener the Director of Public Prosecutions.

*David Friesen*, for the intervener the Attorney General of Ontario.

*Catheryne Bélanger*, for the intervener the Attorney General of Quebec.

*Jonathan Rudin*, for the intervener Aboriginal Legal Services.

*Boris Bytensky*, for the intervener Criminal Lawyers' Association (Ontario).

*Daniel J. Song*, for the intervener Criminal Trial Lawyers' Association.

*Ariane Gagnon-Rocque*, for the intervener Association québécoise des avocats et avocates de la défense.

The judgment of the Court was delivered orally by

[1] BROWN J. — In these circumstances, which include the trial judge's finding at para. 63 of her reasons (2018 ABPC 85, 411 C.R.R. (2d) 10) that the breach of s. 503 of the *Criminal Code*,

R.S.C. 1985, c. C-46, was an instance of a systemic and ongoing problem that was not being satisfactorily addressed, we are all of the view that there was no basis for the Court of Appeal to interfere with the trial judge's exercise of discretion: see *R. v. Babos*, 2014 SCC 16, [2014] 1 S.C.R. 309, at para. 41.

[2] The appeal is allowed and the stay restored.

*Judgment accordingly.*

*Solicitors for the appellant: Deborah Hatch Law Office, Edmonton; Ruttan Bates, Calgary.*

*Solicitor for the respondent: Attorney General of Alberta, Edmonton.*

*Solicitor for the intervener the Director of Public Prosecutions: Public Prosecution Service of Canada, Ottawa.*

*Solicitor for the intervener the Attorney General of Ontario: Attorney General of Ontario, Toronto.*

*Solicitor for the intervener the Attorney General of Quebec: Attorney General of Quebec, Québec.*

*Solicitor for the intervener Aboriginal Legal Services: Aboriginal Legal Services,  
Toronto.*

*Solicitors for the intervener Criminal Lawyers' Association (Ontario): Bytensky  
Shikhman, Toronto.*

*Solicitors for the intervener Criminal Trial Lawyers' Association: Pringle Chivers  
Sparks Teskey, Vancouver.*

*Solicitors for the intervener Association québécoise des avocats et avocates de la  
défense: Roy & Charbonneau, Québec.*