

23-Month Delay Violates Defendants' Right to Speedy Trial



This complex case began in June 2015 with the unfortunate death of a mine worker by cyanide poisoning. After a lengthy investigation, the defendants were charged with both OHS and criminal violations under C-45 in May 2016. A series of procedural delays later, the criminal charges were finally resolved by August 2017. But the OHS case hadn't yet begun. Enough is enough, exclaimed the defendants claiming their Charter rights to a speedy trial had been violated. Rule: A delay is presumptively unreasonable when it hits 18 months. To overcome the presumption and justify the delay, the Crown must show that the case is complex and that it implemented a concrete plan to minimize the delay caused by the complexity. Applying these principles, the trial court calculated the overall delay in this case as 23 months and found that while the case was complex, the Crown didn't come up with the required plan to minimize the delay. The Court of Appeal said the trial court's ruling was entitled to 'great deference' and reasonable and refused to overturn it [*R. v. Nugent, Guillemette and Buckingham*, 2018 ONSC 3546 (CanLII), June 8, 2018].