

CANADA / JUDGMENT

R. v. Atkinson

[1992] 3 SCR 465**COURT**

Supreme Court of Canada

DECIDED

2 November 1992

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R. v. Atkinson Collection Supreme Court Judgments Date 1992-11-02 Report

[1992] 3 SCR 465 Case number 22691, 22738 Judges La Forest, Gérard V.; Sopinka, John; Cory, Peter deCarteret; McLachlin, Beverley; Iacobucci, Frank On appeal from Ontario Subjects Constitutional law Notes SCC Case Information: 22691, 22738 Decision Content R. v. Atkinson, [1992] 3 S.C.R. 465 George William Atkinson and Ernest Gordon Atkinson Appellants v. Her Majesty The Queen Respondent Indexed as: R. v. Atkinson File Nos.: 22691, 22738. 1992: November 2. Present: La Forest, Sopinka, Cory, McLachlin and Iacobucci JJ. on appeal from the court of appeal for ontario Constitutional law -- Charter of Rights -- Trial within a reasonable time -- Right of accused to be tried within a reasonable time not infringed. APPEAL from a judgment of the Ontario Court of Appeal (1991), 5 O.R. (3d) 301, 50 O.A.C. 48, 68 C.C.C. (3d) 109, allowing the Crown's appeal from an order staying proceedings. Appeal dismissed. Alan D. Gold, for the appellant George William Atkinson. Bruce Duncan, for the appellant Ernest Gordon Atkinson. David Butt, for the respondent. //La Forest J.// The judgment of the Court was delivered orally by La Forest J. -- It will not be necessary to hear from you Mr. Butt. The Court is ready to hand down judgment. The judgment will be pronounced by Mr. Justice Cory. //Cory J.// Cory J. -- It may be that we would not agree with the reasons of the Court of Appeal on the issue of waiver. However we are in substantial agreement with the balance of their reasoning and the result they reached. Clearly the complexity of this case is an important factor that must be taken into account in considering the question of delay. In the circumstances the appeal will be dismissed and an order will go expediting the trial. Judgment accordingly. Solicitors for the appellant George William Atkinson: Gold & Fuerst, Toronto. Solicitors for the appellant Ernest Gordon Atkinson: Duncan, Fava & Schermbrucker, Toronto. Solicitor for the respondent: The Ministry of the Attorney General, Toronto.

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