

CANADA / JUDGMENT

R. v. D. (S.)

[1992] 2 SCR 161**COURT**

Supreme Court of Canada

DECIDED

4 June 1992

Source: decisions.scc-csc.ca · Research copy typeset by Esheria. Not court-issued or certified.

R. v. D. (S.) Collection Supreme Court Judgments Date 1992-06-04 Report

[1992] 2 SCR 161 Case number 22563 Judges Lamer, Antonio; L'Heureux-Dubé, Claire; Sopinka, John; Gonthier, Charles Doherty; McLachlin, Beverley; Iacobucci, Frank On appeal from Ontario Subjects Constitutional law Notes SCC Case Information: 22563 Decision Content R. v. D. (S.), [1992] 2 S.C.R. 161 Her Majesty The Queen Appellant v. Stephen D., Paul C., Wayne B., Wayne S., Wayne H. and Otis R. Respondents Indexed as: R. v. D. (S.) File No.: 22563. 1992: June 4. Present: Lamer C.J. and L'Heureux-Dubé, Sopinka, Gonthier, McLachlin and Iacobucci JJ. on appeal from the court of appeal for ontario Constitutional law -- Charter of Rights -- Trial within a reasonable time -- Young offenders -- Societal interest in prompt proceedings against young offenders merely one of factors to be balanced -- Time required for application for transfer to adult court part of inherent time requirements under Young Offenders Act -- Transfer application must be made within reasonable time -- Delay in this case not unreasonable. Cases Cited Applied: R. v. Morin, [1992] 1 S.C.R. 771; referred to: R. v. Askov, [1990] 2 S.C.R. 1199. Statutes and Regulations Cited Young Offenders Act, R.S.C., 1985, c. Y-1 . APPEAL from a judgment of the Ontario Court of Appeal (1991), 4 O.R. (3d) 225, 48 O.A.C. 1, 66 C.C.C. (3d) 173, 6 C.R. (4th) 96, setting aside convictions for sexual assault and unlawful confinement and entering stays. Appeal allowed. C. Jane Arnup, for the appellant. Timothy E. Breen, for the respondent Stephen D. Peter J. Connelly, for the respondent Paul C. Michelle K. Fuerst, for the respondents Wayne B. and Wayne S. Carolyn L. MacDonald, for the respondent Wayne H. Thomas J. P. Carey, for the respondent Otis R. //Lamer C.J.// The judgment of the Court was delivered orally by Lamer C.J. -- The Court is ready to hand down judgment. The judgment will be pronounced by Mr. Justice Sopinka. //Sopinka J.// Sopinka J. -- This appeal as of right raises the issue of the application to proceedings under the Young Offenders Act, R.S.C., 1985, c. Y-1 , of the principles recently expressed by this Court in R. v. Morin, [1992] 1 S.C.R. 771, released March 26, 1992. While the societal interest recognized in R. v. Askov, [1990] 2 S.C.R. 1199, and affirmed in R. v. Morin, requires that account be taken of the fact that charges against young offenders be proceeded with promptly, it is merely one of the factors to be balanced with others in the manner set out in R. v. Morin. Applying those factors, we agree with the conclusion of the trial judge that the delay complained of was

not unreasonable. We agree with the conclusion of Catzman J.A. in the Court of Appeal that the time required for an application for transfer to adult court and appeals relating thereto is part of the inherent time requirements of a case under the Young Offenders Act. The application for transfer must, however, be made within a reasonable time and pursued meritoriously and in good faith. In this case, the trial judge found that the application could not have reasonably proceeded faster. As did Catzman J.A., we see no reason to disturb this finding. The respondents quite properly conceded that the delay from January 12, 1989 to June 5, 1989 was not unreasonable. Accordingly, the appeal is allowed, the judgment of the Court of Appeal of Ontario is set aside and the case is remitted to the Court of Appeal for disposition of the other issues. Judgment accordingly. Solicitor for the appellant: The Attorney General for Ontario, Toronto. Solicitors for the respondent Stephen D.: Rosen, Fleming, Toronto. Solicitors for the respondent Paul C.: Danson & Zucker, Toronto. Solicitors for the respondents Wayne B. and Wayne S.: Gold & Fuerst, Toronto. Solicitor for the respondent Wayne H.: Carolyn L. MacDonald, Newmarket. Solicitors for the respondent Otis R.: Carey & Froud, Mississauga.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/885/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-d-s-1992>

Prepared on 26 October 2026 · Esheria