

CANADA / JUDGMENT

R. v. Hawkins

[1992] 3 SCR 463**COURT**

Supreme Court of Canada

DECIDED

2 November 1992

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

[1992] 3 SCR 463 Case number 22812, 22952 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: 22952, 22812 Decision Content R. v. Hawkins, [1992] 3 S.C.R. 463 Kevin Hawkins Appellant v. Her Majesty The Queen Respondent and Claude Morin Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Hawkins File Nos.: 22952, 22812. 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 -- Section 11 (b) right to trial within reasonable time -- Three-year delay and recantation of Crown witness -- Court of Appeal setting aside stay of proceedings -- Principles enunciated in R. v. Morin applied -- No unreasonable delay -- Canadian Charter of Rights and Freedoms, s. 11 (b). Cases Cited Applied: R. v. Morin, [1992] 1 S.C.R. 771. Statutes and Regulations Cited Canadian Charter of Rights and Freedoms, s. 11 (b). APPEAL from a judgment of the Ontario Court of Appeal (1991), 6 O.R. (3d) 724, 52 O.A.C. 114, allowing an appeal from a judgment of Lesage J. and setting aside stay of proceedings and remitting proceedings to trial. Appeals dismissed. David E. Harris, for the appellant Kevin Hawkins. Harald Mattson and Mark Ertel, for the appellant Claude Morin. David Butt, for the respondent. //Sopinka J.// The judgment of the Court was delivered orally by Sopinka J. -- In these appeals as of right, the Court of Appeal did not have the benefit of this Court's reasons in R. v. Morin, [1992] 1 S.C.R. 771, when it decided these cases. While we do not necessarily agree with all the reasons of the Court of Appeal, we are all of the view that, applying the principles expressed in Morin, supra, the Court of Appeal reached the right result. Based on those principles, there was no unreasonable delay within the meaning of s. 11 (b) of the Canadian Charter of Rights and Freedoms . Accordingly, the appeals are dismissed. In the circumstances an order should go expediting the trial. Judgment accordingly. Solicitors for the appellant Kevin Hawkins: Carter, McCombs & Minden, Toronto. Solicitor for the appellant Claude Morin: Harald Mattson, Kitchener. Solicitor for the respondent: The Ministry of the Attorney General, Toronto.

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