Indexed as:

R. v. Stensrud

Her Majesty The Queen, appellant;
v.
Glen Arthur Stensrud and Guy W. Smith, respondents.

[1989] 2 S.C.R. 1115
[1989] S.C.J. No. 116
File No.: 21131.

Supreme Court of Canada

1989: November 30.

Present: Dickson C.J. and Lamer, Wilson, La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory and McLachlin JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

Constitutional law — Charter of Rights — Trial within a reasonable time — Eighteen-month delay between arrest and commencement of trial — Whether accused's right to be tried within a reasonable time infringed — Canadian Charter of Rights and Freedoms, s. 11(b).

Statutes and Regulations Cited

Canadian Charter of Rights and Freedoms, s. 11(b).

APPEAL from a judgment of the Saskatchewan Court of Appeal (1988), 67 Sask. R. 269, 42 C.C.C. (3d) 569, 38 C.R.R. 50, allowing the respondents' appeal from their conviction on charges of trafficking in narcotics, possession of narcotics for the purpose of trafficking and possession of a prohibited weapon. Appeal dismissed.

S.R. Fainstein, Q.C., and Barrie Miller, for the appellant.
Mark Brayford, for the respondent Stensrud.
William H. Roe, for the respondent Smith.
Solicitor for the appellant: John C. Tait, Ottawa.
Solicitors for the respondent Stensrud:

Brayford-Shapiro, Saskatoon.
Solicitors for the respondent Smith: Roe & Olson,
Saskatoon.

The judgment of the Court was delivered orally by

¶ 1 **DICKSON C.J.**:— It will not be necessary to hear from you, Mr. Brayford and Mr. Roe. Justice Sopinka will deliver the judgment of the Court.

¶ 2 **Sopinka J.**:— This is an appeal from the Saskatchewan Court of Appeal which allowed an appeal from the trial judge who refused an [page1116] application for a stay pursuant to s. 11(b) by the respondents.

¶ 3 The provincial courts of appeal are generally in a better position than this Court to assess the reasonableness of their province's institutional limitations and resources. Nevertheless, they must decide applications under s. 11(b) on the basis of correct principles. The appellant contends that some of those principles have not been settled by this Court. We are of the opinion that this case does not appropriately raise for decision the issues which have not been settled. Based on the particular circumstances of this case, we are not in disagreement with the result reached by the Court of Appeal for Saskatchewan. Accordingly, the appeal is dismissed.

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