December 19th 2017

Notice to Court given

Mr. Atkinson J.

Otis: O660871602

Case File No: 11-0706

Before the Honourable E.J Meijer's

1. On December 19th 2017 I arrived from Central North Correctional Center to the Barrie court house sometime between 8am and 9am and was held down in the holding pen till I was brought up to court around 4pm or a bit later.

2. On 2 other occasions in the same year of 2017

3. Also prior to 2017 I warned in 2015 and 2916 this court and crown in an attempted to end this sentencing bring it to its end, but the disrespect for the right of the accused continued.

4. December 19th 2017 While before justice Meijer's I gave notice I was bring an application for a 11(b) this motion was to be filed this week and I was denied the request to come back one week to file my motion for a stay of proceedings supported by R.v. Jordan File No: 36068

5. With my argument I had failed or it was this court who has continued these tactics. I am initial under the charter of rights and freedom, to file any motion, but that right and my rights are hardly granted as without evidence by the court I use the time when this case got to trial and where we are today.

6. The question may be asked, who is the amicus in the case the Unreliable Amicus is on who only takes his orders from the judge and works with the crown.

7. David North is amicus, who has done nothing to assist me.

8. Today I wait to seek legal advice by way of phone call.

Respectfully

John Atkinson

Meijers, J.

File No.11-0706

ONTARIO COURT OF JUSTICE

BETWEEN

JOHN BRADLEY ATKINSON
Applicant

APPLICATION FOR
STAY ON PROCEEDINGS
11 (b)

-and-

Her Majesty The Queen
Respondent

-and-

ATTORNEY GENERAL OF ONTARIO

BEFRORE THE HONOURABLE JUSTICE E. J. MEIJERS

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December 18th 2017

Indexed as: R.V. Atkinson
File No: 11-0706
I John Bradley Atkinson date of Birth –January 14th 1964
I am self-represented

2011 February 11th; 2017 December 16th, not Sentenced as to this date
Constitutional law – Charter of rights – rights to be tried in reasonable time – delay of more than 6 years, 5 months, 2 weeks, 3 days 2359 days between charges and end of trial – whether accused's right to be tried within reasonable time under s. 11(b) of Canadian charter of rights and freedoms infringed - new frame work for applying s. 11(b)

John Atkinson was charged February 11th 2011

I bring this application to the attention the Honourable Justice E.Meijers, the presiding Justice in this matter;

Section s.11 (b) of the Canadian Charter of rights and freedoms

These charges are historically old

ALEDGED INSADENTS ON:
#1, MAY 14th 2006 section 430 (2) -Raymond

#2, MAY 14th 2006 section 259 (4) Dri-Disq-M V -Raymond Summerfield / Deborah Campbell

#3, JULY 5th 2007 section 264.1(1) (a) amended on July 22, 2011 to 2010 Daniel

#4, JAN 14th 2008 section 253 (1) (a) Imp- MV -Deborah Campbell

#5, JAN 14th 2008 section 259 (4) Dri-Disq-Deborah Campbell

#6, JAN 14th 2008 section 430 (2) -Deborah Campbell

#7, JAN 14th 2008 section 267 (a) -Deborah Campbell

(A) Raymond Summerfield- Police Informant
(B) Deborah Campbell- Police Informant
(C) Daniel Summerfield- Police Informant
Offences: May 14th 2006

(a) Ranchero had raced out of the garage ***forwards*** and the witness had to step out of the way - witness # (a)
(b) Ranchero had ***reversed*** out of the garage witness # (a) and Witness # (b) had to side step out of the way
There not able to agree in the direction of vehicle heading

Offences: July 5th 2007

(c) Broadsides Toyota witness told police accused would broadside Toyota-Daniel Summerfield / Police Informant Deborah Campbell
Witness -Deborah Campbell misleading the court

Offences: January 14th 2008

Please note:
the main witness gave several interpretations and differencing away of her own testimony and a complete lack of understanding as to why here evidence did not show true to be what was stated in evidence of videos ,and in the most serious matter , the dump truck Deborah Campbell made the most buzzard statements, which were clearly lies that the testimony just made a mockery of this court house, I am unable to decide what lie to choose from so I leave

that to the court to assess incidents of 2008 charges, this information given by the crowns main witness, I have no way to say what the a ledge offence is without evidence to support the witnesses allegations; there was no evidence to support the two witnesses two completely different testimony's
I would suggest that (collusion) is more of an afterthought for all parties

Please Note:

It is with most difficulty that I have to write this stay of proceedings as I find it most troubling to state the incidents of Facts, here are some examples that are serious discrepancies are as follows:
The wrong year in question (police Video statement of alleged incident of dump truck)
The witness places the 11000pd. Dump truck in 3 different parking places (to try and suite a story for the crown and police)
North side on the parking pad
On the north side of the driveway near the end of the driveway
On the steep hill on the south side of the property, never before heard of in evidence till on that day
The witness testified that she used a jack to turn this 11000pd.Dump Truck 180 degrees **(it is her own evidence)** in order to get the Dump truck out.
But refused to give evidence how it was possible to do that on grass and rock and trees to contend with (to this day no one knows how it is possible, nowhere does the judge give his findings, he simply tells her lie and a lie it is; I cannot give you an answer to how as it simply cannot be not possible unless you had a crane or forklift
The witness never witnessed Mr. Atkinson drive away in any vehicle
The video in this case is where the witness was not told of the crown switching evidence in order to focus on Mr. Atkinson taking of the tinniest sip of a liquid, for an impaired the entire case in evidence was edited to fit; you do not ever see the entire run of the video.
In the video there is a serious time of day difference by arriving home and the evidence in the video you see the outside and clearly, this is January it would be dark at 7:00pm this video is taken a little after 2pm and not on the day inquisition

The witness gave in her testimony the fire place was gong-that was a lie

The witness gave testimony that there were beer bottles all over the hutch-that was a lie

The witness gave testimony that there were Indian cigarettes spilled all over the hutch that was a lie

The witness lied to the police on January 14th 2008. In her testimony to this judge , this was over looked by the crown and the judge

The crown:
Simply put, they could not be trusted at any time so it is once again hard to give a accrete description of the proceedings but I have this to confirm such seriousness of misleading of witness
Misleading to my counsel
Lying to all my lawyers to having evidence and not turning it over when requested with such live issues I am best to stop at this point till I have decided what actions I am seeking, as this case is simply monstrous like no other is as best as I can put it

Please Note:
The Honourable E.Meijers

Who makes serious and misleading findings and incorporates in to his finding of Judgements, Finding of guilt and I will at this time offer two serious lies
Mr. Atkinson gave testimony that while waiting in the garage his truck …was warming up
Dec 8 Trial-testimony pg.104 Line 14; A: MY truck is nice and warm, TOO it's been sitting in the driveway warming up. – Cr-ex Crown Franklin J Faveri
What the judge states as factual to his findings to convict is found on pg.15 line 1 to 4 and goes on to state it makes no sense to call a friend to pick you up and then have that friend use your vehicle which is cold (Reason for judgement pg.15 line 4)
The Judge states these people who come to pick me up as a friend is in fact not a friend but my cousin Jayson.
The Judge is the only one who gives evidence that the accused concedes to the drive under suspension, there is no such evidence to that statement By the Judge;

So these are real live issues to this in trying to read to this court what is needed to support S 11(b) these findings are not mere mistakes the entire case is this way form one police to the witness in to helping the witness in here recalling times and dates there is much too serious lying and when confronted, it is this court that pay no heed to the constant lies. A lie is a lie there is no course to make an exception in any trial.

It is better put like this: this case was designed to fit the worst kind of abuse and at the same time give the Supreme Court of Canada Notice that this court will not heed to any such ruling such as this ruling I chose to use being the R.V. Jordan

So the I have shed light on why I cannot say the case as in most cases you could outline the case and the case itself, but the case was designed to sell out the accused and he would simply go through the stages and the accused not know the difference, but I am innocent so this case took on a turn as it will not be the lawyers and the crown to be in dealings with in fact the case took a hard unexpected turn, but me having to clear the corruption in a matter of fact, So I have only the truth here today to go on and it is quite simple and it will give reason to why I'm being so disrespected by this court, lied to and the wool they pull, is not working but to be used at a later date these are not people whom represent the Canadian charter of rights as I will now do my best to form this motion to the facts that are in accordance to the best of my understanding;

Note;
John Atkinson;

What did happen in this case?

Nothing had ever happened between I and Raymond Summerfield-I have people who will tell you I was with my own mother, in Alliston with two other witnesses – Ranchero incident
Daniel Summerfield there is no truth to the statement as Deborah Campbell testified in court
It was never said at all - Toyota & Daniel incident
The dump truck it was simply that I was guiled in by Deborah Campbell herself. 1100pd. Dump truck incident

The decretive seat it would be impossible as the bench was not there where she says, to hit that you would need to run down big trees as that is where it was placed as I know as I cut the grass and have to move it each cut

There is no evidence to support all her testimony and no one know how the judge found his findings, or the findings he finds me guilty on doing or being guilty of

In Canada there is reasonable doubt and it is only offered by my counsel as she states it is not up to the accused to prove he is innocent, it is to the crown to prove its case

Reasonable doubt is simply avoided at all cost and that will be pointed out

Lastly these crimes did not ever take place and here is why the times and place and the crowns evidence is so bad that for me to use any of it would only add to the design for the confusion ,it was there only way to pass it in order to confuse myself but I was way ahead of them , and it is by doing the work I did I have uncovered the worst king of crime I will say in Canada to knowing to take an innocent man ,knowing full well the evidence cannot will not support the crowns case , but yet they proceed

R.V. Jordan: File 36068

This is all I have to support S.11 (*b*) and please let me explain that reason to this court

It has been difficult to have any co-operation by this court and understandably so, as this is all news to you but as I say I was found guilty long before there was a trial.

The amicus in this case was a previous lawyer
The then lawyer then refused to assist me in the sentencing stage
The then lawyer for months made excuses to denied me trial transcripts
To just name a few occasions
Mr. North himself QUIT

I found it unusual to be told I had to tell legal aid I fired him when i did not, as I have a witness and a letter to support this statement.
Appointed Amices
The judge was confronted and agreed that it would not be in my best interest, but had changed his mine nixed court appearance And to that time on has been of no help to the accused, and has a special contract with the judge and dose nothing for the accused of will you find any such material that would assist the accused, he will help the crown ,the judge and it no help better put the

accused has had all things freely done by the institution, and in recent weeks it has come to the attrition of C.N.C.C to stop as it is the amicus who is to be the assistant for the accused in fact the accused has spent hundreds of dollars to do what the amicus is being paid by the Legal Aid Ontario.
Amicus David North.

To be responsible to the ownership of injustice and findings of justice denied is when justice is delayed in accordance to s.11 (*b*)

In Jordan a new framework is therefore required for applying s.11 (*b*) this framework is intended to focus the s.11 (*b*) analysis on justice, with the view of fulfilling s.11 (*b*)'s important
Objective

At the heart of the new framework is a presumptive ceiling beyond which delay --- from the charge to the actual or the anticipated end of trial --- is presumed to be unreasonable, unless exceptional circumstances justify it. The presumptive ceiling is 18 Months for a case tried in provincial court and 30 Months for cases in superior court (or cases tried in the provincial court after a preliminary inquiry) Delays attributable to or waved by defence does not count towards presumptive ceiling

Once the presumptive ceiling is exceeded, the burden is on the crown to rebut the presumptive of unreasonableness on the bases of exceptional circumstances. If the crown cannot do so, a stay will follow. Exceptional circumstances lie outside the crowns control in that (1) they are reasonably unforeseen or reasonably unavoidable, and (2) they cannot be reasonably remedied

It is obviously impossible to identify in advance all circumstances that may qualify as exceptional for the purposes of adjudicating a s.11 (*b*) application Ultimately, the determination of weather circumstances are exceptional will depend on the trial judge's ***good sense*** and ***experience the*** list is not closed however, in general, exceptional circumstances fall udder two categories: discrete events and particularly complex case

If the exceptional circumstances relate to a discrete event (such as illness or unexpected event at trial), the delay reasonably attributable to that event is subtracted from the total delay. If the exceptional circumstances arise case complexity, the delay it reasonable and no further analysis is required

An exceptional circumstance is the only basis upon which the crown can discharge its burden to justify a delay that exceeds the ceiling. The seriousness or gravity of the offence cannot be relied on, nor can chronic institutional delay. Most significantly, the absence of prejudice can in no circumstances be used to justify delays after the presumptive ceiling is breached
Once so much time has elapsed, only circumstances that are genuinely outside the Crown's control and ability to remedy may furnish a sufficient excuse for the prolonged delay.

Below the presumptive ceiling, however the burden is on the defence to show that the delay is unreasonable. To do so, the defence must establish that (1) it took a meaningful step that demonstrates a sustained effort to expedite the proceedings and (2) the case took markedly longer then reasonably should have. Absent these two factors, the s.11 (*b*) application must fail. Stays beneath the presumptive ceiling should only be granted in clear cases.

As to the first factor, while the defence might not be able to resolve the Crown's or the trial court's challenges, it falls to the defence to show that it attempted to set the earliest possible hearing dates , was cooperative with and the responsive to the crown and the court, put the crown on a timely notice when delay was becoming a problem, and conducted all applications(including the s.11(*b*)application) reasonably and expeditiously, At the same time ,trial judges should not take this opportunity , with the benefit of hindsight ,to question every decision made by the defence. The defence is required to act reasonably, not perfectly.

Turning to the second factor, the defence must show that the time the case has taken markedly exceeds the reasonable time requirements of the case. These requirements derive from a verity of factors, including the complexity of the case and the local consideration. Determining the time the case reasonably should have taken is not the matter of precise calculation, as has been the practise under the *Morin* framework.

For cases currently in the system, a contextual application of new framework is required to avoid repeating the post – Askov situation, where tens of thousands of charges were stayed as a result of the abrupt change in law. Therefore, for those cases. The new framework applies, subject to two qualifications. First, for cases in which the delay exceeds the ceiling, a transitional exceptional circumstance will apply when the crown satisfies the court that the time the case has taken is justified base on the party's reasonable reliance on the law as it previously existed. This requires a contextual assessment, sensitive to the manner in which the previous framework was applied, and that the fact the parties' behaviour cannot be judged strictly, against a standard of which they had no notice.

The second qualification applies to cases currently in the system in which the total delay (minus defence delay) falls below the ceiling. For these cases, the two criteria ---defence initiative and whether the time the case has taken markedly exceeds what was reasonably required –must also be applied contextually, sensitive to the party's reliance on the previous state of the law

specifically; the defence need not demonstrate having taken initiative to expedite matters for the period of delay preceding this decision. Since defence initiative was not expressly required by *Morin* framework, it would be unfair to require it for the period of time before the release of this decision. Further, if the delay was occasioned by an institutional delay that was, before this decision was released, reasonable time requirements of the case for case currently in the system

In this case, the total delay between charge and the end of the trial was 49.5 MONTHS as the trial judge found, four months of this delay were waved by J when he changed counsel shortly before trial was set to begin, necessitating an adjournment. In addition, one and a half months of the delay were caused solely by J for the adjournment of the preliminary inquiry because his counsel was unavailable for closing submissions on the last day. This leaves the remaining delay of 44 Months, an amount that vastly exceeds the presumptive ceiling of 30 Months in superior court. The crown has failed to discharge its burden of demonstrating that delay of 44 Months (excluding defence delay) was reasonable. While the case against J may have been moderately complex given the amount of evidence and the number of co-accused, it was not so exceptionally complex that it would justify such a delay.

Nor does the transition exceptional circumstance justify the delay in this case since J's charges were brought prior to the release of this decision; the crown was operating without notice of the new framework within a jurisdiction with some systemic delay issues. But a total delay of 44 months (including defence delay), of which the vast majority was earthier Crown or institutional delay, in an ordinary dial a dope trafficking prosecution is simply unreasonable regardless of the frame work under which the crown was operating .Therefore, it cannot be said the crown's reliance on the previous state of the law was reasonable .While the crown did make some efforts to bring the matter to trial more quickly, these efforts were too little too late. And the systemic delay problems that existed at the time cannot justify the delay either .Much of the institutional delays could have been avoided had the crown proceeded on the bases of a more reasonable plan by more accurately estimating the amount of time needed to present its case. To the extent that the trial judge held that this delay was reasonable, he erred.

All the parties were operating within a culture of complacency towards delay that pervaded the criminal justice system in recent years. Broader structural and procedural changes, in addition to –day-to –day efforts, are required to maintain the public's confidence by delivering justice in a timely manner. Ultimately, all participants in the justice system must work in concert to achieve speeder trials After all; everyone stands to benefit from these efforts. Timely trials are possible .More than that, they are constitutionally required.

Inquiry

Evidence that establishes the inquiry to the gross violation to Mr. Atkinson charter of rights;
Here I will establish bases for S.11 (*b*)

February 11th 2011 Charges are laid - remanded to March 3rd 2011

March 3rd 2011 @ 9:30 Parties do not consent to s.515.5 remanded to July 22

July 22nd 2011 Preliminary hearing @9:30

April 28th 2011 Bradford court house #2 @ 9:30 am S/H - status hearing before Harpur J.

June 29/2011 preparation /witness statement Deborah Campbell

June 30/2011preparation of transcript of Deborah Campbell

July 1/ 2011 preparation of Deborah Campbell summary

July 1/ 2011 preparation of Deborah Campbell videotaped statement

July 21/2011review of case brief for preliminary hearing

July 22nd 2011 court room #7 preliminary hearing –commenced but unable to finish and to continue -August 17th 2011

August 16th 2011 preparation of cross-examination of Deborah Campbell

August 17th 2011-continuation of preliminary – committed on all counts
Note: was not committed – Lawyer without instructions conceded to the charges. (Most alarming)
November J.P.T. Before Judge Brown: July 30th 2012 set for trial

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Charged in Court House

February 11th 2011
To
July 22nd preliminary Hearing

Allocated time: 5 months, 1 week, 4 days
Or 161 days

Preliminary hearing start date

July 22nd2011
To
August 17th 2011

Allocated time: 3 weeks, 5 days
Or 26 days

Total time at this point is 6 months 9 days

Trial date is set and confirmed for:

July 30th 2012

February 11th 2011
To
July 30th 2012

Allocated time: 1 year, 5 months, 2 weeks, 5 days
Or 535 days

Trials end
But is never started: Lawyer Fired

Lawyer No: 2 Dawn Quelsh
From
November 15th 2012 on record as counsel

January 10th 2013 to be spoken to, Remanded to
February 7th 2013 remanded to
March 7th 2013 remanded
To May 1st 2013
Trial date set for: September 24+25 of 2013 are Vacated. And October 7th and 8th and 24th of October 2013
January 6th 2014 and 7th 2014 and December 8th and 9th 2014

July 30th 2013
To
March 7th 1013
Allocated time: 4 months, 3 weeks, 2 days
Or 145 days

Lawyer: Quits

Lawyer No: 3 Jodie – Lee Primeau
From
March 7th 2013
To
September 24th 2013

Allocated time: 6 months, 2 weeks, 3 days
Or 201 days

Lawyer: Quits:

Lawyer No: 4: Kimberly Hyslop -Trial lawyer
On as Counsel September 24th 2013 to April 17th 2015

Day two @ trial 8th of October 2013
Day three @ trial 24th of October 2013
Day four @ trial 6th January 2014
Day five @ trial 7th January 2014
Day six @ trial 8th December 2014
Day seven @ trial 9th December 2014

To this date it is most confusing to follow the unreasonable dates where the crown will say – to the judge O by the way these are date the people who are on a release, most shockingly I in custody and should have the most earliest date availed to me. I am referring to the January 7th 2014 to December 8th 2014 (most disturbing)
Lawyer Quit

Lawyer No: 5 David North
Lawyer Quits:

For me the accused to Carrie on I will make further references to R.v. Jordan for the simple truth I have a hard time to fathom time passed on such a case I find quite simple ,but need to follow the length of abuse to put the all things in perspectives , the R.v. Jordan is quits lengthily.

1. This was not a complex case
2. This was a case that was supported by evidence. that is best evidence : pictures
   That should enhance the memory at trial
3. Video to give the case an exceeding advantage
4. Regardless of evidence there were many lies and it is in them terms that the crown would Couse
   Extensive delays, and once I was self - represented the abuse clearly thickened on a daily

The right to be tried in a reasonable time

First, the accused must establish that there is a base for the s.11 (*b*) inquiry. The court took a look at the overall period between charge and the completion of the trial to determine whether its length merit further inquiry.

Second, the court must determine on the objective bases what would be reasonable time for disposition of a case like this one under review – this is, how long a case of this nature should reasonably take. The objective standard of reasonableness has two components; instructional delays and inherent time requirements of the case. Both of these periods of time are determined objectively. The acceptable period of institutional delays is a period that is reasonably required for the court to be ready to hear the case once the parties are ready to proceed, and is determined in accordance with administrative guidelines for instructional delays set out in this court in *Morin:* 8 to 10 months before provincial courts and 6 to 8 months before superior courts.
Theses guideline set some rough limits on the point at which inadequacy of state resources will be accepted as an excuse the guidelines should not be understood as precluding allowance for any sudden and temporary strain on resources that cause a temporary congestion in the courts. The inherent time requirements of a case, on the other hand, represents the period of time that is reasonably require for the parties to be ready to proceed and to conclude the trial for a case similar in nature to the one before the court, and are to be determined on the bases of judicial experience, supplemented by submissions of counsel and evidence. In estimating a reasonable time period, the court should also take into account the liberty interest of the accused.

Third the courts must consider how much of the actual delay in the case counts against the state. Is done by subtracting the period attributed to the defence, including any waved Time period, form overall period of delays. When the accused consents to a date for trial offered by the court or to an adjournment sought by the crown, that consent, without more, dose not amount to waiver. The onus is on the crown to demonstrate that this period is waived, that this accused's conduct reveals something more than mere acquiescence in the inevitable, and that it meets the high bar of being clear, unequivocal, and informed acceptance. Delay resulting from unreasonable actions solely attributable to the accused must also be subtracted from the period for which the state is reasonable, such as last - minute changes in counsel or adjustments flowing from lack of diligence. It is also necessary to subtract from the actual delay in any period that, although not fairly attributable to defence, are nonetheless not fairly counted against the state , including unavoidable delays due to inclement weather or illness of the trial participant.

Forth, the court must determine whether the actual period of time fairly counts against the state exceed s the reasonable time by more that can be justified on any acceptable basis. Where the actual time exceeds what would have been reasonable for a case of that nature, the result will be finding of unreasonable delay unless the crown can show that the delay was justified. Even substantial excess delay may be justified and therefore reasonable where, for example there is a particularly strong societal interest in the prosecution proceeding on its merits or where the delay results from temporary and extraordinary pressure on counsel or the court system. However, it does not follow that these conditions the excess period is invariably justified. The accused still may be able to demonstrate actual prejudice. Although actual prejudice need not be proved to find infringement of s, 11*(b)*, its presents would make unreasonable (in particular circumstance of the case) a delay that might otherwise be objectively viewed as reasonable. As a result, justification may be found to be lacking.

Under the revised Morin framework, any delay in excess of reasonable time requirements and any actual prejudice arising from overall delay must evaluate in light of societal interests; on one hand, fair treatment and prompt trial of accused person and, on the other, determination of cases on their merits if there are exceptional strong societal interest in the prosecution of a case against an accused which substantially outweigh the societal interest of the accused person in prompt trials, these can serve as acceptable bases upon which exceeding the inherent and instructional requirements on a case can be justified.

This approach is a slight reorientation of the *Morin* framework because the focus is more explicitly on the period of delay which exceeds what would have been reasonable. But there is no change in principle.

Applying these four steps of the revised *Morin* framework in this case, J's constitutional rights within a reasonable time was violated. The 49.5-months delay from charge to the end of the scheduled trial date is sufficient to trigger an inquiry into whether the delay is reasonable. There were 10.5 months on inherent delay and 18 months on institutional delays. These findings make it appropriate to conclude that the reasonable time requirements for a case of such nature were 28.5 months. The case in fact took 49.5 months. The difference is 21 months. Of, 4months are attributable to defence. The rest – period of 17 months –counts against the state. In other words, this case took almost a year and a half longer than what would be a reasonable period to prosecute a case of this nature. This is not a close case. The time to end of trial greatly exceeds what would be a reasonable time to prosecute a similar case. While there are societal interest in the trial on the merits of serious drug crimes alleged against J, these cannot make a reasonable the grossly excessive time that it took society to bring him to trial.

[1]
Timely justice is one of the hallmarks of a free and democratic society. In the criminal law context, it takes special significance. Section 11(*b*) of the charter of rights and freedom attests to this, in that it guarantees the right of the accused person "to be tried in a reasonable time "

[2]
Moreover, the Canadian public expects their criminal justice system to bring an accused person to trial expeditiously .as the months following a criminal charge becomes years, every on suffers. Accused person remains in a state of uncertainty, often in pre-trial detention. Victims and their families who, in many cases, have suffered tragic losses cannot move forward with their lives. And the public, whose interest is served by promptly bringing those charged with criminal offences to trial, is justifiably frustrated by watching years pass before a trial.

[3]
An efficient justice system is therefore of utmost importance. The ability to provide fair trials within a reasonable time is an indicator of the health and proper functioning of the system itself. The stakes are indisputably high.

[4]
Our system, however, has come to tolerate excessive delays. The circumstances in this appeal are illustrative. Notwithstanding a delay over four years in bringing a case of modest complexity to trial. Both the trial judge and the court of appeal were of the view that the appellant was tried within a reasonable time. Their analyse are reflective of doctrinal and practical difficulties plaguing the current analytical framework governing s. 11(*b*). These difficulties have fostered a culture of complacency within the system towards delays.

[5]
A change of direction is therefore required. Below, we set out a new framework for applying s, 11(*b*). At the center of this new framework is a presumptive ceiling on the time it should bring an accused person to trial: 18 months for cases going to trial in provincial court, and 30 months for case going to trial in superior court. Of course, given the nature of reasonableness, the framework accounts for case-specific factors both above and below the presumptive ceiling. This framework is intended to focus the s.11(*b*) analysis that matter and encourage all participants in the criminal justice system to cooperate in achieving reasonably prompt justice, with a view to fulfilling s.11(b)'s important objectives.

[6]
Applying this framework, including its transitional features, we concluded that the appellant was not brought to trial within a reasonable time. We would allow the appeal, set aside the conviction and direct a stay of proceedings.

II Facts

[7]
I john Bradley Atkinson, while already before the courts on other matters, when I was informed at court of these new, what makes this important, is the witness was to be a witness in the prior case and this case and that plays into 7 months till theses new charges are laid.

[8]
Raymond Summerfield-Crown-witness-police informant
In May4th 2006 it was alleged that I was to have drove my 1976 Ford Ranchero GT that was parked in the car garage forward towards a Raymond Summerfield and this person had to sidestep out of the way, this witness does not come forward February 3rd 2011.

[9]
Deborah Campbell-Crown main witness-Police informant
In May 14th 2006 it was alleged that I was to have drove my 1976 Ford Ranchero GT that was parked in the garage and backed out as fast as it could go at Ms. Campbell and she had to step out of the way, this witness did not come forward with a statement but testified to the different version of events.

[10]
Daniel Summerfield-Crown witness-Police informant
Alleged in a phone conversation to the mother Deborah Campbell, that the car would be broadsided if the son was driving it. Incident July 4th 2010. Daniel Summerfield is told by mother to go report in July not reported till December 23rd, 2010.

[11]
August 26th 2010-Police video statement
July 22nd 2011 Preliminary hearing /
Trial- October 8th 2013 /
Trial-January 7th 2014 /
Trial-May 7th 2014 /
Deborah Campbell-Crown main witness-police informant
Allegedly I drove a 11000pd. Dump truck at Deborah Campbell and she deeked between two boulders and the dump truck crashed on to the boulders and it stayed there from January 14th 2008 to March 28th 2008but is not reported to police till August 10th 2010 and refuses to co-operate with police, but then August 26th is helped by Det. Richard Conway in achieving a somewhat statement confusing video statement.

[12]
May 8th testified
James Campbell Father of - Deborah Campbell
Police do video statement of James Campbell at residence at 1905 county road 50 on September 26th 2010 this is a 15 min video recording. This evidence is still being refused to the accused-outstanding.

[13]
May 8th 2014 testified
Joslyn Campbell mother of Deborah Campbell witness to seeing dump truck on rocks that was photo copied To her of trucks on rocks

[14]
Please Note-evidence still outstanding
Calculations to this case

Court Appearances:
February 11th 2011
To
March 3rd 2011 – set date for preliminary for July 22nd and August 17th 2011
5 months, 1 week, 4 days or 161 days

J.P.T-Judicial Pre-trial hearing September 26th 2011 to continue November 9th 2011, Trial date set now for July 30th 2012

Charges laid to preliminary
February 11th 2011 to July 22nd 2011 prelim = 5 months, 1 week, 4 days or 161 days
Charges laid to trial
February 11th 2011 laying of charge to July 30th 2013 trial = 900 days or 2 years, 5 months, 2 weeks, 5 days = 29 months and 3 week

Prelim to trial
July 22nd 2011 to trial July 30 2013 = 1 year, 1 week, 1 day or 374 days

A rush to trial without police notes
A rush to trial without pictures offered by the witness by video statement
The accused had not been fully briefed to the extent that we now know today and the accused has suspected much more held back evidence, too much is still outstanding to this very day

But what needs to be noted are the trial dates that the first lawyer set there seems to be some accounting discrepancies as I have the time calculations showing all court proceedings / ***for billing to legal aid ***

The dates on the court information sheet show start dates for trial in any event there off by my calculations is 1 month, 3 weeks, 5 days or 57 days July 30th to the trial date on the information sheet September 25th 2013.in any

event the trial was only delayed from July 30th 2013 to October 7th 2013 a total of 2 months, 1 week or 69 days and this was the vacated September 24th 2013 trial day as two days was required for the trial hearing.

So having gone through 3 lawyers the case move along even having to suffer the loss of outstanding evidence to this day, the abuse caused by this crown was so overwhelming and the new crown, the abuse is simply a common occurrence, I am clearly without the laws of all Canadians.

A short tally up on time to go against the accused if I'm doing this right is this way
Charges laid on February 11th 2011 and the preliminary was on July 22nd 2011 and august 17th 2011 there was a Judicial hearing on two different days September 26th 2012 and November 9th 2011 and this took us to what I have noted as July 30th 2013 this was set for two day trial, judge and jury trial
(Court information sheet shows trial set for September 25th 2013 and October 7th 2013 now marked VACATED X 2)
And we kept all the other dates

Day 1-October 8th 2013	Deborah Campbell
Day 2-October24th 2013	Denial Summerfield & Raymond Summerfield
Day 3-January 6th 2014	Deborah Campbell
Day 4-January 7th 2014	Deborah Campbell
Day 5-May 7th 2014	Deborah Campbell
Day 6--May 8th 2014	James Campbell & Jocelyn Campbell
Day 7-December 8th 2014	Mr. Atkinson / accused
Day 8-December 9th 2014	Alan Morris / Expert witness
Day 9- march 2nd 2015	finding of guilt-application for **Dangerous Offender- life sentence**
Day 10-April 17th 2015	Counsel –Kimberly Hyslop request to be removed from as counsel
April 24th 2015	to be spoken to – waiting notice from legal aid / Crown Faveri removes himself from case
May 7th 2015	to be spoken to – waiting notice from legal aid
May 21st 2015	to be spoken to – waiting notice from legal aid
June 4th 2015	to be spoken to
June 24th 2015	David North as counsel
July 10th 2015	Remand
August 19th 2015	Remand
October 2nd 2015	Mr. David North Quits-denies me any and all material to my trial, once I state I will Report to the law society of Canada, he returns what was two full boxes when he Reserved them there was maybe half a box and in material
October 9th 2015	Remand
October 20th 2015	Remand / New Crown: Michelle Lavasseur
November 2nd 2015	Legal Aid – Rep
December 1st 2015	application for legal aid
January 8th 2016	by video
January 22nd 2016	to be spoken to /
January 25th 2016	to be spoken to – Arguments why Mr. North would be a very unlikely choice as Amicus – my views seem to hold
February 8th 2016	to be spoken to it was like I was not even in the court room I have no say in amicus- Mr. North is appointed- I simply have no rights and have no one to help me but I can Say it proves that I was right in my first assessment of what I call collusion and \ Interfering in the course of justice who refused to give me material in the first place about my trial
March 10th 2016	Not being taken seriously Requesting hearing many times, to present Fresh evidence: Hearing 5 hours- Arguments Dead line for Atkinson April 15th 2016 **Amicus in court**
May 2nd 2016	to be spoken to
May 18th 2016	to be spoken to

May 24th 2016	to be spoken to
May 25th 2016	to be spoken to
June 8th 2016	s.683 (1) (a) (b) Application heard-hearing on fresh evidence: proved I was Innocent/100% I to also agree to an assessment order by the crown (I'm building my own case) June 8th is my understanding for start time on assessment
June 23rd 2016	to be spoken to
June 28th 2016	assessment ordered to assessment to be completed July 29th 2016 for **60 days**
September 26th 2016	September 27 date to appear in court vacated, confront court with delay and abuse And Crowns application is Nellie void as a set time amicus takes the side of crown as she is clearly passed the required time - But I have no rights in this court Order commencing july29th 2016 to September 8th 2016 = 1 month, 1 week, 3 days or 41 days July 29th to November 9th 2016 = 3 months, 1 week, 4 days or 103 days
November 9th 2016	Assessment filed copies given-very late by the rule of law **Amices in court**
November 18th	seized
November 25th 2016	to be spoken to
December 2nd 2016	to be spoken to
December 9th 2016	to be spoken to
December 23rd 2016	motion by accused to Order a 2nd order Assessment
December 28th 2016	by video
January 12th 2017	to be spoken to
January 16th 2017	advised the court of a motion for Rowbotham
February 3rd 2017	advised to court Rowbotham hearing /4 days on sentence hearing
February 10th 2017	to be spoken to
February 10th 2017	March 10th 2017 5H-(IP) 18th, 19th, 20th, 27th, of July2017 for L.T.O .hearing Sentencing
February 24th 2017	5 H (IP)
March 10th 2017	set date for Rowbotham hearing July 18th 2017 hearing date confirmed (should be Noted on this day the court and crown Tried to trick me up and saying my Rowbotham hearing was in July and I had to make My comment as to the fact – I to had a information sheet and I said if you kindly take a Look you will see my hearing is not in July, but is April 24th 2017
March 22nd 2917	crown cannot confirm date crown stalling on time (abuse)
March 24th 2017	crown is lying and is caught and confronted-put over to march 27th 2017
March 27th 2917	9:00 ST (IP) file motion for state funded counsel needs to be signed-all refuse to sign Motion /affidavits /statement of file
March 27th 2017	9:00 ST (IP)
March 31st 2017	Video court
April 5th 2017	Video remand - crown continues to lie to judge
April 18th 2017	crown is stalling
April 24th 2017	Rowbotham hearing
July 18th 2017	cross examination-L.T.O. C.S.C
July 19th 2017	Cross examination-Mark Pearce
April 24th 2017	cross
April 5th 2017	Video court
August 29th 2017	Video court
August31st 2017	crown is lying about dates for witness
September 1st 2017	video remand want to see judge, crown is lying as to date setting trying to tell a judge the dates are indorsed was a complete lie

October 2nd 2017	calling of witnesses for sentencing information by accused
November 1st 2017	filed in my own assessment by Dr.Gojer
December 13th 2017	Judge off Doctors gone for 6 weeks
December 18th 2017	before judge and as often I request to be sentenced right now, the abuse is rotted To the core there is no explanation
January 12th 2018	judge need to decide if I'm a long term offender

From February 11th 2011 to January 12th 2018 is the time it has taken this crown to this date and I have been down this road to often with this crown
6 years, 11 months, 1 day or 2527 days

There are times I was remanded such as in 2014 the remand was dates set for people who are out of custody I find that cruel punishment, I should always be offered the earliest IN COUSTODY DATES to me as I'm in custody, on the one noticeable day in question, the crown tells the court with a smile the is so but he as crown would know the pain and suffering that goes into each day you are in prison.

Note I may have missed a few remands in person and video appointments at C.N.C.C.
[15]
1) I make a the request by motion to have all charges stayed
2) I make the quest by this motion
3) the facts are clearly straight forward-over 6 years and we are now in to the new year 2018 at what point is this court going to stop the of abuse to date : 6 years, 11 months, 1 week or 2533 days and not sentenced it should be noted this was on my own property

I file this as a ashamed Canadian who has suffered beyond wards can express there is no one here in the history of Canada to say that they can relate to the abuse I have endured

I have served a sentence while these charges were before the court as often as it did interfere with that sentence it would not matter to this court, never was concerns expressed of the hardship I may have been living through, it almost felt like there was much haltered towards me the accused, I cannot justify all the remand dates but I can follow a pattern of unnecessary remand s by this crown as so of the previous crown.

I made all kinds of attempts to end this case , it seemed that sitting and doing nothing was wrong of me so if the crown made an unnecessary remand , I would feel I should use that loss time to seek justice to end this abuse I don't believe any justice was ever played in this case but what can be a clear case is no one cares for how long I suffered , no one card when my mom died no one could answer any of my questions on the fresh evidence hearing I know what I witnessed on that day but like the other evidence about this case it still has not come been allowed to be revealed , evidence is still outstanding how bad is that ,quite everyone agrees that this has got to of been real devastating to anyone to be held this long of a charge and not be sentenced , further more may time I spoke in court to the effect of a reward to prove Me wrong and tell me how the witness did things she gave evidence to, no answer because you cannot as the crime never took place .

I was offering the crown and the court , to tell me how the trees were 2 to 4 feet tall and if that was the truth of what she said in evidence then the trees would not be in the perfect form that all trees are in as the good health they were in , I put to the crown the judge , tell me how , and I would sign the dangerous offender application or the long term appellation, but yet years later , you want to decide if I'm a long term offender , that alone bring bigger issues to the forefront.

This case has cost the taxpayers over a$ million dollars and could be $15 million more the crown spends it like she has a personal account with all the taxpayers I'm not being smart I know the cost of this case and it is no small change not to menschen I truly am innocent. Are my submissions

Respectfully Mr.Atkinson