



Time limits for adult criminal trials also apply to youth criminal trials, the Supreme Court has ruled.

In April 2015, KJM was 15 years old. He got into a fight and stabbed someone in the face and head with a box cutter. He was charged with several crimes. He said it was self-defence and pleaded not guilty.

KJM's trial was set for September 2015. But an issue about some evidence came up that had to be dealt with. The earliest date available to deal with it was six months later. But KJM came to court late that day, and there wasn't time to finish. The next available date was about four months later. There was also a delay when a transcript wasn't ready.

In the meantime, the Supreme Court released an important decision, *R. v. Jordan*. *Jordan* set out new rules to decide how long is too long for a criminal trial. In Canada, everyone charged with a crime has the right to be tried in a reasonable time. This right comes from section 11(b) of the *Charter of Rights and Freedoms*, part of Canada's Constitution. If the time between the charge and the end of trial is too long, the court can stop the prosecution. This is called a "stay of proceedings." *Jordan* said most trials should finish either 18 or 30 months after a person is charged, depending on the type of trial. If a trial takes longer, it should be "stayed" unless the Crown (the prosecution) can show a good reason why it should continue. A trial taking less time can still be stayed if the defence tried to move things along and the trial took "markedly" (a lot) longer than it should have. *Jordan* also created special rules for cases already in progress when the rules changed, like KJM's. These were called "transitional" cases.

In October, just over 18 months after he was charged, KJM asked for a stay. According to *Jordan*, he argued, his trial should have finished earlier. The trial judge disagreed. KJM was found guilty of assault and weapons crimes soon after.

The majority of the Court of Appeal agreed KJM's trial hadn't taken too long.

The Supreme Court had to decide if the *Jordan* time limits for adult criminal trials also applied to youth criminal trials. The majority said they do. It said the *Jordan* rules are flexible enough to apply to everyone, no matter what their situation. But the majority noted that timely trials are especially important for young people. Young people tend to be more short-sighted about consequences than adults. They need the opportunity to grow during their teenage years. Long trials create stress and anxiety and get in the way of positive change. The majority said that the entire youth criminal justice system needs to respect this.

The majority also said judges need to consider a person's age when a trial takes less than 18 or 30 months. Each case is different, but a trial that isn't too long for an adult can be too long for a young person.

In this case, the total time between when KJM was charged and when he was found guilty was almost 19 months. The majority said this wasn't actually over the *Jordan* time limit. This was because, under the *Jordan* rules, three to four months were deducted for delays caused by the defence and the transcript problem. The majority said that while the defence did try to move things along quickly, it wasn't convinced the trial took a lot longer than it should have. The majority also considered the fact that *Jordan* came out 15 months after KJM was charged. That made his case "transitional". In the end, the majority said the trial judge's decision should stand.

Even though it didn't apply to KJM, the majority said time taken to deal with young offenders outside court shouldn't count toward the *Jordan* time limits. This includes time taken for things like counselling or community service programs. This is to encourage other ways of dealing with youth crime, which may have better results.

This case was about the right to be tried in a reasonable time. The right doesn't just benefit people charged with crimes. It also protects the rights of victims, witnesses, and society as a whole. Victims and witnesses benefit from less worry and frustration when trials happen faster, and they can move on. Society benefits when justice happens quickly and people charged with crimes are treated fairly.

Breakdown of the decision: *Majority:* Justice Michael [Moldaver](#) dismissed the appeal (Chief Justice [Wagner](#) and Justices [Gascon](#), [Côté](#), and [Rowe](#) agreed) | *Dissenting:* Justices Rosalie Silberman [Abella](#) and Russell [Brown](#) said a shorter timeline of 15 months should apply to young people to reflect the uniquely prejudicial impact of delay on them, and would have allowed the appeal (Justice [Martin](#) agreed) | *Dissenting:* Justice Andromache [Karakatsanis](#) agreed with the majority that adult time limits also apply to youth trials, but said timeliness is even more important for young people than for adults, and so would have stayed KJM's charges

More information (case # 38292): [Decision](#) | [Case information](#) | [Webcast of hearing](#)

Lower court rulings: decision on application for stay of proceedings (Provincial Court of Alberta, not available online) | [appeal](#) (Court of Appeal of Alberta)
