

**IN THE MATTER OF the NOVA SCOTIA REVIEW BOARD**

**AND IN THE MATTER OF the accused, TIMOTHY ARTHUR BUTLER**

**AND IN THE MATTER OF a hearing held pursuant to section 672.81(2.1) of the Criminal Code**

**DISPOSITION ORDER (Consent ROL)**

**WHEREAS** on the 25th day of September 2019, the accused was found not criminally responsible on account of a mental disorder on charges of attempt to commit murder, contrary to section 239(1)(b) of the Criminal Code, possession of a weapon for a dangerous purpose, contrary to section 88 of the Criminal Code, and aggravated assault, contrary to section 268 of the Criminal Code;

**AND WHEREAS** the accused is currently residing at the East Coast Forensic Hospital on a previously granted Conditional Discharge;

**AND WHEREAS** a hearing was held on the 25<sup>th</sup> day of September 2023 to make a Disposition Order pursuant to section 672.54 of the Criminal Code;

**AND WHEREAS** the East Coast Forensic Hospital is designated for the custody, treatment, or assessment of the accused, in respect of whom an assessment order, disposition or placement decision is made;

**IT IS ORDERED THAT** the restriction of liberties was justified.

**DATED** at Halifax, this 25th day of September 2023.

  
Anne Jackman, Chairperson  
NOVA SCOTIA REVIEW BOARD

TO: the accused, Timothy Arthur Butler

AND TO: Director, Mental Health Program, Nova Scotia Health Authority

AND TO: Public Prosecution Service

AND TO: Kelly Ryan, counsel for Mr. Butler

**THE MATTER OF the NOVA SCOTIA REVIEW BOARD**

**AND IN THE MATTER OF the accused, TIMOTHY ARTHUR BUTLER**

**AND IN THE MATTER OF a hearing held pursuant to section 672.81(1) of the Criminal Code**

**REASONS FOR DISPOSITION**

**Verdict**

On the 25th day of September 2019, the accused was found not criminally responsible on account of a mental disorder on charges of attempt to commit murder, contrary to section 239(1)(b) of the Criminal Code, possession of a weapon for a dangerous purpose, contrary to section 88 of the Criminal Code, and aggravated assault, contrary to section 268 of the Criminal Code.

**Current Status**

Mr. Butler is currently residing at the East Coast Forensic Hospital with a previously granted Conditional Discharge.

**Facts**

From a previous decision of the Board: "On July 26, 2019, at 06:57 hours, Kings County RCMP received a 911 call from a female who reported that she was awoken by someone yelling "he is killing me he is stabbing me". The female reported that she was on foot following the male suspect. RCMP attended and the female pointed at the male suspect, subsequently identified as the accused, Timothy Butler. The detaining police officer observed fresh blood on Mr. Butler's hands. Mr. Butler then stated: "I stabbed him; I stabbed my dad." At approximately the same time, another police officer attended a residence in New Minas and observed the victim, Arthur Butler, sitting at the table wrapped in a blanket and holding a towel covered in blood to the right side of his neck. He stated that his son had attacked him. EHS arrived and transported the victim to hospital where he was treated, receiving over 20 stitches to his neck before being released."

## **Disposition Information**

The Board had before it the Restriction of Liberties report of the hospital dated June 9, 2023, which stated:

“On April 1, 2023, Mr. Butler signed out for an extended day pass for work at 0520h. He informed nursing staff that he was planning to take a taxi to to Ilsley Ave, followed by a bus to People Ready work agency on Wyse Road. From there, he was planning to travel to Exhibition Park for a work assignment. He was provided with pass medications and signed out, with a return time of 2130h. The return time was stressed to him, as he had returned several minutes late from a community pass the previous evening. Mr. Butler did not return to the rehabilitation unit by 2130h. He did not contact the unit, nor did he answer the cell phone when unit staff tried to contact him. The AWOL procedure was therefore initiated. Mr. Butler returned to the hospital at 2330h. He presented as agitated, throwing his hat and coat across the table in order for it to be checked for contraband. He complied with direction to go through the body scanner. He initially refused a breathalyzer but subsequently agreed to same, but did not provide a sample for UDS. He then became increasingly agitated, yelling and swearing at the nurse who was present, and calling them a liar, bringing up issues from the night before. He was placed in seclusion at the direction of the charge nurse due to his presentation. He blamed his assigned nurse for his being placed in seclusion, screaming at her “It’s all your fault I am in here”, as well as “Oh, and by the way, please call my family and tell them to get fucked!” The next morning, when informed that he was being transferred to Unit A due to his AWOL and behaviour, he again became extremely agitated, punching the door, cursing, and screaming at his nurse. He settled as the day progressed and was brought out of seclusion to his room on Unit A.

As described above, Mr. Butler was transferred to Unit A on April 2, 2023. His community passes were placed on hold due to this AWOL. A post-AWOL meeting was booked for April 6, 2023. It was decided that Mr. Butler would be transferred back to Unit B once he was able to demonstrate a period of stability and appropriate behaviour on the unit. Mr. Butler was transferred back to Unit B on April 12, 2023. L4 community access was reinstated at that time.”

**Consent Hearing on September 25, 2023**

Present at the hearing were Kelly Ryan (Defence) and Aileen Scott Morrison (Crown). The Board consisted of Dr. Michael Teehan, Judith McPhee, Christine Mosher, Steve Scott and Anne Jackman, Chairperson.

The Crown and Defence agreed that the restriction was justified.

**Disposition**

The Board is satisfied that the restriction of liberties was justified.

**DATED** at Halifax, Nova Scotia, this 25th day of September 2023.



Anne Jackman, Chairperson  
NOVA SCOTIA REVIEW BOARD

This Disposition Order with reasons is the unanimous opinion of the Board, which consisted of Dr. Michael Teehan, psychiatrist, Christine Mosher, Steve Scott, Judith McPhee, K.C., and Anne Jackman, Chairperson