

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

**AND IN THE MATTER OF the accused, JAMES MacPHEE**

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

**DISPOSITION ORDER**

**WHEREAS** on the 22<sup>nd</sup> day of October, 2014, the accused was found not criminally responsible on account of mental disorder on charges of aggravated assault, contrary to section 368(1) of the Criminal Code; assaulting a peace officer, contrary to section 270 of the Criminal Code; and possession of a weapon for a dangerous purpose, contrary to section 88(1) of the Criminal Code, all of which offences occurred on January 4<sup>th</sup>, 2014; and further, the accused was found not criminally responsible on account of mental disorder on November 7<sup>th</sup>, 2014, on a charge of possession of weapon for a dangerous purpose, contrary to section 88(1) of the Criminal Code; robbery, contrary to section 344 of the Criminal Code; assault with a weapon, contrary to section 267(a) of the Criminal Code (4 counts); and using an imitation firearm while committing an offence, contrary to section 85 of the Criminal Code, all of which offences occurred on January 3<sup>rd</sup>, 2013;

**AND WHEREAS** the accused is currently living in the community under the terms of a conditional discharge;

**AND WHEREAS** a hearing was held at the hospital on the 4<sup>th</sup> day of December, 2018, to make a Disposition Order pursuant to section 672.54 of the Criminal Code;

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

**IT IS ORDERED THAT** the conditional discharge previously granted be continued, on the following terms:

1. Keep the peace and be of good behaviour;
2. Maintain good mental health;
3. Adhere to the recommendations of the Community Mental Health Team;

4. Comply with follow up by the Forensic Community Program;
5. Comply with conditions recommended by the Forensic Community Program;
6. Abstain from the use of alcohol, cannabis and illicit drugs and comply with random urine drug screening;
7. Reside in premises approved by the East Coast Forensic Hospital and abide by the rules and regulations of the residence;
8. Notify the Review Board and the East Coast Forensic Hospital of any change of address;
9. Appear before the Board when requested;
10. Remain within the province of Nova Scotia unless authorization in writing has been received from the Board;
11. Do not possess any weapon as defined in the Criminal Code.

**THIS IS THEREFORE TO COMMAND YOU**, the Director, Mental Health Services, Nova Scotia Health Authority, in Her Majesty's name, to execute the terms of this Order. The Board delegates to him authority to direct that the restrictions on the liberty of the accused be increased or decreased within the limits set out herein pursuant to section 672.56(1).

**DATED** this 20<sup>th</sup> day of March, 2019, at Truro, Nova Scotia.



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Peter Lederman, Q.C., Chairperson  
NOVA SCOTIA REVIEW BOARD

TO: the accused, James MacPhee  
AND TO: Director, Mental Health Services, Nova Scotia Health Authority  
AND TO: Karen Quigley, Public Prosecution Service  
AND TO: Kelly Ryan, counsel for Mr. MacPhee