

IN THE MATTER OF the Nova Scotia Criminal Code Review Board

AND IN THE MATTER OF the accused, James Robert MacPhee

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

INTERIM DISPOSITION ORDER

WHEREAS on the 22nd day of October, 2014, the accused was found *Not Criminally Responsible on account of a mental disorder* on charges of aggravated assault, contrary to Section 268(1); assaulting a peace officer, contrary to Section 270.02, and possession of a weapon for dangerous purpose, contrary to Section 88(1) of the *Criminal Code of Canada*;

AND WHEREAS on the 7th day of November, 2014, the accused was found *Not Criminally Responsible on account of a mental disorder* on charges of possession of a weapon, contrary to Section 88(1); robbery, contrary to Section 344; assault with a weapon (x's 4), contrary to Section 267(a) and use of imitation firearm (x's 3), contrary to Section 85(2)(a) of the *Criminal Code of Canada*.

AND WHEREAS the accused is currently detained at the East Coast Forensic Hospital.

AND WHEREAS a hearing was held at the East Coast Forensic Psychiatric Hospital on the 1st day of December, 2020, to make a Disposition Order pursuant to s. 672.81 of the *Criminal Code of Canada*.

AND WHEREAS the East Coast Forensic Psychiatric 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.

1. IT IS ORDERED that the accused continue to be detained in the East Coast Forensic Psychiatric Hospital, Gradual transfer to the Transition Program, Conditional Discharge be granted (the Conditional Discharge to be implemented within a reasonable period of time), Conditional Discharge be continued, Absolute Discharge be granted, no change to current Disposition, the Board approves the recommendations as submitted by the East Coast Forensic Psychiatric Hospital (See Schedule "A")

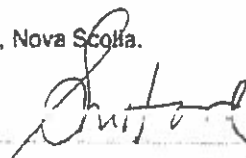
2. IT IS FURTHER ORDERED that the Administrator of the East Coast Forensic Psychiatric Hospital implement a program for the safe custody and rehabilitation of the accused within the East Coast Forensic Psychiatric Hospital, in which the Administrator, in her discretion, subject to the mental condition and needs of the accused, may in the case of an accused who is deemed unfit, or on conditional discharge, subject to the following conditions: (See Schedule "A")

Community Access:

ADDITIONAL COMMENTS:

THIS IS THEREFORE TO COMMAND YOU, the Administrator of the East Coast Forensic Psychiatric Hospital, in Her Majesty's name, to execute terms of this Order.

DATED, this the 1st day of December, 2020, at Dartmouth, Nova Scotia.



Suzanne Hood, Chairperson
NOVA SCOTIA CRIMINAL CODE REVIEW BOARD

TO: James Robert MacPhee, Accused
AND TO: Rachel Boehm, Director, Mental Health and Addictions Program, Nova Scotia Health Authority

Schedule "A"

Conditions:

- Keep the peace and be of good behaviour;
- Maintain good mental health;
- Adhere to the recommendations of the Community Mental Health Team;
- Comply with follow-up by the Forensic Community Program;
- Comply with conditions recommended by the Forensic Community Program;
- Abstain from alcohol, cannabis and/or illicit drugs and comply with random urine drug screening;
- Reside in the premises approved by the East Coast Forensic Hospital and abide the rules and regulations of the residence;
- Notify the Review Board and the East Coast Forensic Hospital of any change of address;
- Appear before the board when requested;
- Remain within the Province of Nova Scotia unless authorization in writing has been received from the Board.

No indirect or direct contact with the victim(s) in this matter;

Other

This Hearing is to be considered an Annual Hearing: Yes No

The Administrator of the Hospital may exercise his discretion upon such terms and conditions, as he deems appropriate.


Suzanne Hood, Chairperson
Nova Scotia Criminal Code Review Board