

IN THE MATTER OF the NOVA SCOTIA REVIEW BOARD
AND IN THE MATTER OF the accused, JUSTIN SHEWCHUK
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 12th of December 2018, the accused was found not criminally responsible on account of mental disorder on a charge of trespassing at night, contrary to Section 177 of the Criminal Code and three charges of failure to comply with a recognizance or undertaking, contrary to Section 145(3) of the Criminal Code;


AND WHEREAS the accused is currently detained at the East Coast Forensic Hospital on a previously ordered Conditional Discharge;

AND WHEREAS a hearing was held on the 21st 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, Justin Shewchuk
AND TO: Director, Mental Health Program, Nova Scotia Health Authority
AND TO: Public Prosecution Service
AND TO: Kelly Ryan, counsel for Mr. Shewchuk

**THE MATTER OF the NOVA SCOTIA REVIEW BOARD
AND IN THE MATTER OF the accused, JUSTIN SHEWCHUK
AND IN THE MATTER OF a hearing held pursuant to section 672.81 (2.1) of the Criminal
Code**

REASONS FOR DISPOSITION

Verdict

On the 12th of December 2018, the accused was found not criminally responsible on account of mental disorder on a charge of trespassing at night, contrary to Section 177 of the Criminal Code and three charges of failure to comply with a recognizance or undertaking, contrary to Section 145(3) of the Criminal Code.

Current Status

Mr. Shewchuk is currently detained at the East Coast Forensic Hospital on a previously granted Conditional Discharge.

Facts

From a previous decision of the Board: “On November 11, 2018, Mr. Shewchuk was arrested standing on the back deck of a house on Cherry Street in Halifax at 9:40 p.m. The police described his speech as incoherent. The three counts of breaching a recognizance relate to an incident on November 13th where Mr. Shewchuk was apprehended walking down the middle of Herring Cove Road at 3:55 a.m. Again, his speech was incoherent. He also smelt of alcohol. He had been released on the first charge on conditions to keep the peace and be of good behaviour, not to drink, and to observe a curfew. On November 13th he was in violation of all of these conditions.”

Disposition Information

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

“Mr. Shewchuk was discharged from the ECFH on February 1, 2023. He had been offered a placement at the Basinview Small Options Home in Woodside, NS in late December 2022 and had completed a series of day passes and overnight passes to the home without issue prior to discharge. On March 2, 2023, Mr. Shewchuk tested positive for cocaine and

THC on a routine UDS. He denied having used either substance but stated that he had been at a friend's house a few days earlier where they were smoking both substances. He claimed that he left the house promptly, as he knew he would "get in trouble". A team meeting was arranged for March 9, 2023 in order to meet with Mr. Shewchuk and representatives from his small options home in order to determine what additional supports he would require in order to maintain sobriety and succeed in his placement. However, on March 8, 2023 the small options home supervisor emailed his forensic case coordinator, stating that they did not feel he was an appropriate placement and that he would be discharged from the home. The home had not previously voiced any concerns other than a comment three weeks earlier that he was more isolative than he had previously been, nor had they given the team the opportunity to attempt to remediate any of their concerns. The small options home staff did not attend the meeting that had previously been booked for March 9th, nor did they facilitate Mr. Shewchuk's attendance at the meeting. Mr. Shewchuk left the small options home on March 11, 2023, ultimately returning to the ECFH of his own volition on March 12, 2023. At that time, he was readmitted to hospital. UDS on admission was positive for cocaine and THC.

Mr. Shewchuk was admitted to Rehab Unit A, as per COVID and O&S protocols. He continued to test positive on urine drug screens until March 24, 2023, but was unable to move to Unit B until March 31, 2023 due to a hold on inter-unit transfers arising from multiple inpatient COVID cases. Upon transfer to Unit B, Mr. Shewchuk was granted L4 indirectly supervised community passes for work and leisure.

Following a UDS which was positive for THC and Cocaine, Mr. Shewchuk was discharged from his placement at a small options home and returned to ECFH of his own volition."

Consent Hearing on September 25, 2023

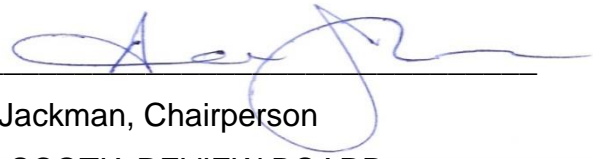
Present at the hearing were Kelly Ryan (Defence) and Scott Morrison (Crown). The Board consisted of Dr. Michael Teehan, Judith McPhee, Christine Mosher, Steve Scott and Anne Jackman, Chairperson.

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