

# Update: Charter Case to Focus on Lack of Return Transportation

James Cook was left stranded in the cold after his bail hearing on January 21, 2007, as he did not have enough money to pay for a plane ticket home upon release. The judge ordered the Crown to pay \$282 for Cook's plane ticket and a taxi ride home, but the Crown successfully had the order quashed, leaving Cook to hitchhike from La Ronge to Prince Alberta in the middle of January. He was stuck in the city for several weeks until his Legal Aid lawyer, Felicia Daunt, paid for his plane ticket out of her own money.

On behalf of her client, Daunt issued a section 7 Charter of Rights and Freedoms, which provides that "everyone has the right to life, liberty and security of the person in accordance with principles of fundamental justice." It will be argued that failing to provide return transportation for individuals held in custody is a violation of s. 7 as it puts people's lives and health at risk and because it forces people to stay in a place without the means to survive. The case was heard at the Saskatchewan Court of Queen's Bench on March 14, 2007.

A spokesperson for the RCMP told the press that the RCMP does everything they can to return people to their communities following release from custody but that it is not always possible and that it is not their responsibility.

The case was adjourned by a Court of Queen's Bench judge with the understanding that the Saskatchewan government will come up with a political solution to the problem of providing return transportation to people who are released from custody and are far away from their homes. At this time no date has been set for a decision.

Sources:

Charter case launched after northern Saskatchewan man stranded CBC News (5 March 2007)

Province to address issue of defendant stranded far from home CBC News (15 March 2007)