

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Guilbault*, 2010 NSCA 102

Date: 20101209

Docket: CAC 325298

Registry: Halifax

Between:

Patrick Guilbault

Appellant

v.

Her Majesty the Queen

Respondent

Judges: MacDonald, C.J.N.S.; Saunders and Bryson, J.J.A.

Appeal Heard: December 9, 2010, in Halifax, Nova Scotia

Written Judgment: December 9, 2010

Held: Leave to appeal is granted but the appeal is dismissed per oral reasons for judgment of Saunders, J.A.; MacDonald, C.J.N.S. and Bryson, J.A. concurring.

Counsel: Darren MacLeod, for the appellant
Daniel MacRury, Q.C., for the respondent

Reasons for judgment:

[1] Despite the able arguments of counsel for the appellant, we are not persuaded that the summary conviction appeal court (SCAC) erred in affirming the decision of the trial judge who convicted the appellant of operating a motor vehicle while disqualified contrary to s. 259(4)(b) of the **Criminal Code**.

[2] In order for this appeal to succeed an error of law must be apparent in the reasons of Farrar, J. (as he then was) sitting as the SCAC. See **R. v. R.H.L.**, 2008 NSCA 100.

[3] We are unanimously of the view that no such error occurred. While we would grant leave to appeal, the appeal is dismissed.

Saunders, J.A.

Concurred in:

MacDonald, C.J.N.S.

Bryson, J.A.