

The reasons for judgment were delivered orally by:

FREEMAN, J.A.:

The appellant, who pursued his girlfriend with a motor vehicle on a highway during an argument, causing her to jump into a muddy ditch and bystanders to fear for her safety, seeks leave to appeal the decision of the summary conviction appeal court upholding his conviction for dangerous driving contrary to s. 249(1)(a) of the Criminal Code.

An appeal from a decision of a summary conviction appeal court must be on a question of law alone. Justice Carver of the Supreme Court of Nova Scotia heard the appeal from the decision of Judge Prince of the Provincial Court and upheld it. The appellant alleges that Justice Carver erred in law in upholding errors of law by the trial judge, that the appellant's driving satisfied the test for dangerous driving and in finding the driving was in all circumstances dangerous. We have carefully reviewed the record, including submissions of counsel. We are not satisfied that Justice Carver erred in law in dismissing the appeal nor in concluding that Judge Prince did not err in his assessment of the evidence, in applying the correct test for dangerous driving and in finding that

the driving in all the circumstances was dangerous. Leave to appeal is accordingly denied.

Freeman, J.A.

Concurred in:

Jones, J.A.

Roscoe, J.A.

