

NOVA SCOTIA COURT OF APPEAL

Cite as: R. v. Doncaster, 2013 NSCA 46

Date: 20130417
Docket: CAC 408973
Registry: Halifax

Between:

Ralph Ivan Doncaster

Appellant

v.

Her Majesty the Queen

Respondent

JUDGE: By the Court

APPEAL HEARD: April 9, 3013

SUBJECT: **Criminal Law, procedure, s. 520 of the *Criminal Code*, review of recognizance.**

SUMMARY: On October 4, 2012, Mr. Doncaster applied for review of a Provincial Court recognizance under s. 520 of the *Criminal Code*. His application was dismissed. Within days, he commenced a second application for review. That application was dismissed. He appealed under s. 839 of the *Code*, alleging that the second judge erred in finding he could not review the first reviewing judge's decision. Crown objected that the Court of Appeal lacked jurisdiction to hear the appeal.

ISSUE: Does the Court of Appeal have jurisdiction to consider the appeal?

RESULT: Appeal dismissed. The appeal as framed by Mr. Doncaster under s. 839 does not give this court jurisdiction, since s. 839 requires leave on a question of law against a court's decision under s. 822 or 836 of the *Code*. Mr. Doncaster

appeals from a decision made under s. 520 of the *Code*. As framed in the circumstances of this case, the Court of Appeal has no jurisdiction to consider the appeal. Mr. Doncaster is free to apply to the Supreme Court for further review under s. 520, following expiry of 30 days from any previous application.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 4 pages.