

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Neville*, 2021 NSCA 16

Date: 20210216

Docket: CAC 497032

Registry: Halifax

Between:

Abbie Patrick Neville

Appellant

v.

Her Majesty The Queen

Respondent

Judges: Wood, C.J.N.S.; Fichaud and Beaton, JJ.A.

Appeal Heard: February 16, 2021, in Halifax, Nova Scotia

Written Release February 17, 2021

Held: Appeal dismissed, per reasons for judgment of Wood, C.J.N.S.; Fichaud and Beaton, JJ.A. concurring

Counsel: Gregory McNeil, for the appellant
Monica McQueen, for the respondent

Reasons for judgment (orally):

[1] Having read the written submissions of counsel and having heard their oral submissions, the panel has reached a unanimous conclusion on the jurisdictional issue. Once the indictable offence was dismissed by the trial judge, the remaining charge continued as a summary proceeding and a conviction was entered.

[2] An appeal from the summary conviction must go to the Nova Scotia Supreme Court as the Summary Conviction Appeal Court and not the Nova Scotia Court of Appeal. The conditions of s. 675(1.1) of the *Criminal Code* have not been met and the appeal is dismissed for jurisdictional reasons.

Wood, C.J.N.S.

Concurred in:

Fichaud, J.A.

Beaton, J.A.