

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Carson*, 2022 NSCA 58

**Date:** 20220927

**Docket:** CAC 511086

**Registry:** Halifax

**Between:**

His Majesty the King

Appellant

v.

Glen Carson

Respondent

**Judges:** Beveridge, Bourgeois and Beaton, JJ.A.

**Appeal Heard:** September 27, 2022, in Halifax, Nova Scotia

**Written Release** September 29, 2022

**Held:** Leave to appeal denied, per reasons for judgment of  
Beveridge, J.A.; Bourgeois and Beaton, JJ.A. concurring

**Counsel:** Glenn Hubbard, for the appellant

Thomas Singleton and Leora Lawson, for the respondent

**By the Court (Orally):**

[1] This is an appeal from an oral unreported decision of Justice Darlene Jamieson, sitting as a judge of the Summary Conviction Appeal Court, in which she allowed the respondent's appeal from a summary conviction offence of sexual assault and ordered an acquittal.

[2] The appeal is brought pursuant to s. 839 of the *Criminal Code*, R.S.C. 1985, c. C-46. It can only be on a question of law, with leave of the Court.

[3] In deciding whether leave should be granted, we are to consider the significance of the legal issues raised to the general administration of criminal justice and the merits of the proposed grounds of appeal (see: *R. v. R.E.M.*, 2011 NSCA 8; *R. v. MacNeil*, 2009 NSCA 46; *R. v. Pottie*, 2013 NSCA 68; and *R. v. MacDonald*, 2013 NSCA 45).

[4] The putative legal errors are not so clear, nor even if they raise arguable issues, are so significant to the general administration of justice that leave to appeal should be granted.

[5] Having reviewed the whole of the record, considered the appellant's submissions, and the factors relevant to deciding whether leave should be granted, leave is denied.

[6] As a result, it is not necessary to address the merits of the appeal.

Beveridge, J.A.

Concurred in:

Bourgeois, J.A.

Beaton, J.A.