NOVA SCOTIA COURT OF APPEAL
Cite as: R. v. Hamilton, 1996 NSCA 202

Pugsley, Jones and Flinn, JJ.A.

BETWEEN:

Percy C. Hamilton	)	David A. Grant, Esq.
	)	for the Appellant
Appellant	)	
	)	
	)	
- and -	)	
	)	
	)	Kenneth Fiske, Esq.
	)	for the Respondent
	)	
Her Majesty the Queen	)	
	)	
Respondent	)	
	)	
	)	Appeal Heard:
	)	October 10, 1996
	)	
	)	Judgment Delivered:
	)	October 10, 1996
	)	
	)	
	)	
	)	

THE COURT: Application for Leave to Appeal is dismissed without costs per oral reasons of Pugsley, J.A.; Jones and Flinn, JJ.A. concurring.

The reasons for judgment of the court were given orally by

Pugsley, J.A.:

Percy Hamilton was convicted by a provincial court judge on July 20th, 1995, of unlawfully failing to take reasonable steps to locate and notify the owner of an unattended vehicle with which vehicle he came in contact while operating his own automobile, contrary to s. 97(4) of the **Motor Vehicle Act** of Nova Scotia. He was fined $100.00 plus costs and victim surcharge.

Mr. Hamilton's appeal to a Summary Conviction Appeal Court Judge under s. 7 of the **Summary Proceedings Act** and s. 8.13 of the **Criminal Code** was dismissed. The Summary Conviction Appeal Court Judge was satisfied that there was "no merit" in any of the grounds of appeal raised by Mr. Hamilton before him.

We are of the view that the same opinion may be applied to the grounds of appeal raised in this court. An appeal to this court may be brought pursuant to the provisions of s. 839 of the **Code**. Such an appeal requires leave of this court and may only be taken on a ground that involved a question of law alone. We are of the view that the grounds of appeal raised do not come within the purview of s. 839 but raise only questions of fact.

The application for leave to appeal is dismissed without costs.

Pugsley, J.A.

Concurred in:

Jones, J.A.

Flinn, J.A.

C.A.C. No. 123744

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

Percy C. Hamilton)
)
Appellant)
)
)
- and -) REASONS FOR
) JUDGMENT BY:
Her Majesty the Queen)
) Pugsley, J.A.
) (Orally)
Respondent)
)
)
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