

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Nutter*, 2004 NSCA 80

**Date:** 20040614

**Docket:** CAC 148955

**Registry:** Halifax

**Between:**

Harry Lawrence Nutter

Applicant

v.

Her Majesty the Queen

Respondent

**Judge:** Justice M. Jill Hamilton

**Application Heard:** June 10, 2004, in Halifax, Nova Scotia, In Chambers

**Held:** Application dismissed.

**Counsel:** Harry Lawrence Nutter, self-represented applicant  
Daniel MacRury, for the respondent

**Decision:**

[1] Mr. Nutter applies for costs with respect to an appeal from a criminal conviction heard and allowed by a panel of this court on January 27, 1999 (**R. v. Nutter** (1999), 173 N.S.R. (2d) 284), although he attempts to categorize it as a new appeal so as to avoid the consequences of an August 24, 2001 order of Justice Cromwell of this court.

[2] As set out in the August 24, 2001 decision of Justice Cromwell, sitting in chambers, (**R. v. Nutter** (2001), 196 N.S.R. (2d) 290), Mr. Nutter raised with the panel who heard and allowed his appeal other criminal convictions not appealed in his notice of appeal, and the panel refused to deal with them. After the panel's order was issued, Mr. Nutter filed voluminous material asking the panel to deal with these other convictions. As a result of these filings, letters were written to Mr. Nutter by the Registrar of the Court advising him that the panel's order had finally disposed of all matters which were properly before the court on his appeal. He was advised nothing more could be done by this court with respect to his appeal.

[3] Despite these letters, Mr. Nutter applied in Chambers before Justice Cromwell for a "rehearing of the motion to extend time to reinscribe the appeal for hearing" raising similar issues. His application was denied and the last paragraph of Justice Cromwell's decision provides:

Mr. Nutter's application is, therefore, dismissed. I will issue an order directing the Registrar that no further material is to be accepted from Mr. Nutter for filing in this appeal which is completed and closed.

[4] Despite this provision, the materials before me on Mr. Nutter's present application were filed and I have reviewed them thoroughly along with the rest of the file.

[5] I am satisfied Mr. Nutter's application relates to his appeal allowed by a panel of this court on January 27, 1999, not a new appeal, and hence should not have been filed. I am further satisfied that his application should be dismissed because all matters properly before this court relating to his appeal were dealt with by the panel previously and all matters relating to his application before Justice Cromwell were dealt with by Justice Cromwell. There is no longer an appeal

before this court and the materials filed by Mr. Nutter on this application are not appropriate in form or substance to commence a new appeal.

[6] Accordingly, I dismiss Mr. Nutter's application and will issue an order similar to that issued by Justice Cromwell, directing Mr. Nutter not to file any additional material with the court in any way relating to or arising out of this appeal and directing the Registrar that no further material is to be accepted from Mr. Nutter for filing relating to or arising out of this appeal, which is completed and closed.

Hamilton, J.A.