

CASE NO.**VOLUME****PAGE**

Cite as: R. v. Trimper, 1998 NSCA 235

HER MAJESTY THE QUEEN

PAUL GORDON TRIMPER

- and -

(Appellant)

(Respondent)

C.A.C. No. 147010

Halifax, N.S.

Glube, C.J.N.S.

APPEAL HEARD:

November 10, 1998

JUDGMENT DELIVERED:

November 17, 1998

SUBJECT:**Application to extend time for service of a notice of appeal dealing with a summary conviction case.****SUMMARY:**

A Provincial Court Judge gave an oral decision staying several charges. He promised a written decision saying the time for the Crown to appeal would run from his written decision. Repeated promises to file over the next four plus months. No written decision was ever filed.

Crown filed a notice to extend time five months after the oral decision. Supreme Court held Crown failed to show a "consistent intention to appeal" (P.M. 21.2(1)).

ISSUE:

Did the summary appeal court judge err in his finding and err in what constitutes a "consistent intention" to appeal.

RESULT:Appeal dismissed. Based on the law and evidence in this case, no error by the summary appeal court judge in finding the Crown was consistently considering the appeal but not consistently intending to appeal.

<p>This information sheet does not form part of the Court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 10 pages.</p>
--