

Date: 20011113  
Docket No.: CAC 172289

**NOVA SCOTIA COURT OF APPEAL**

[Cite as: R. v. Downey, 2001 NSCA 160]

**Flinn, Freeman and Cromwell, JJ.A.**

**BETWEEN:**

STEWARD CLINTON DOWNEY

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

---

**REASONS FOR JUDGMENT**

---

Counsel: Michael S. Taylor for the appellant  
James A. Gumpert, Q.C. for the respondent

Appeal Heard: November 13, 2001

Judgment Delivered: November 13, 2001

THE COURT: Leave to appeal dismissed per oral reasons for judgment  
of Flinn, J.A.; Freeman and Cromwell, JJ.A. concurring.

**FLINN, J.A. (Orally):**

[1] The application for leave to appeal the sentence imposed on the appellant by the trial judge is dismissed. We note that the appellant has abandoned ground two as set out in the Notice of Appeal.

Flinn, J.A.

Concurred in:

Freeman, J.A.

Cromwell, J.A.