Date: 20000201

Docket: CAC 159670

NOVA SCOTIA COURT OF APPEAL

[Cite as: R. v. Black, 2000 NSCA 25]

Freeman, Roscoe and Bateman, JJ.A.

BETWEEN:)
HER MAJESTY THE QUEEN) Kenneth W.F. Fiske, Q.C.
Applicant/Respo) for the Applicant/Respondent ondent)
- and -)
FREDERICK W. L. BLACK) Mr. Black appeared) in person
Respondent/Ap	, .
) Application Heard: February 1, 2000
)) Judgment Delivered:) February 1, 2000

THE COURT:

The application is allowed and the notice of appeal is quashed as per oral reasons for judgment of Roscoe, J.A.; Freeman and Bateman, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

ROSCOE, J.A.:

[1] Mr. Frederick Black is charged with three counts of fraud contrary to s. 380(1)(a) of

the **Criminal Code** and has elected to be tried in the Supreme Court. The trial is scheduled

to heard in September, 2000. Mr. Black made two applications in Supreme Court

Chambers; one before Justice Saunders, and one before Chief Justice Kennedy, for orders

for disclosure beyond that which had already been provided by the Crown. Both

applications were refused with reasons. Mr. Black has filed a notice of appeal in relation

to those two decisions.

[2] The Crown, by application brought pursuant to Civil Procedure Rules 62.18 and

65.03, seeks to guash the notice of appeal on the basis that there is no appeal authorized

by law at this stage of the criminal proceeding.

[3] The application to quash the notice of appeal is allowed. We agree with the

submissions of the Crown that there is no appeal from the decisions of Justice Saunders

and Chief Justice Kennedy at this time. See: R. v. Murdock (1995), 141 N.S.R. (2d) 251

(C.A.) and the cases cited therein.

Roscoe, J.A.

Concurred in:

Freeman, J.A.

Bateman, J.A.