

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. H.M.*, 2018 NSCA 93

Date: 20181126

Docket: CAC 473617

Registry: Halifax

Between:

Her Majesty the Queen

Appellant

v.

H.M.

Respondent

Restriction on Publication: s. 486.4 of the Criminal Code of Canada
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Judges: Beveridge, Saunders and Derrick, JJ.A.

Appeal Heard: November 26, 2018, in Halifax, Nova Scotia

Held: Leave to appeal is denied

Counsel: Mark Scott, Q.C., for the appellant
Thomas J. Singleton and Leora Lawson, for the respondent

Order restricting publication — sexual offences

486.4 (1) Subject to subsection (2), the presiding judge or justice may make an order directing that any information that could identify the victim or a witness shall not be published in any document or broadcast or transmitted in any way, in proceedings in respect of

(a) any of the following offences:

(i) an offence under section 151, 152, 153, 153.1, 155, 159, 160, 162, 163.1, 170, 171, 171.1, 172, 172.1, 172.2, 173, 210, 211, 213, 271, 272, 273, 279.01, 279.011, 279.02, 279.03, 280, 281, 286.1, 286.2, 286.3, 346 or 347, or

(ii) any offence under this Act, as it read from time to time before the day on which this subparagraph comes into force, if the conduct alleged would be an offence referred to in subparagraph (i) if it occurred on or after that day; or

(b) two or more offences being dealt with in the same proceeding, at least one of which is an offence referred to in paragraph (a).

Reasons for judgment:

By the Court

[1] The Honourable Justice Michael Wood, in his capacity as the Summary Conviction Appeal Court (SCAC), dismissed a Crown appeal from an acquittal entered in Provincial Court.

[2] The Crown seeks leave to appeal to this Court. Despite Mr. Scott's able submissions, we are unanimously of the view that none of the well-settled reasons to grant leave from a decision of a SCAC judge have been satisfied in this case.

[3] Accordingly, leave to appeal is denied.

[4] This decision should not be taken as a complete endorsement of the reasons given by either the trial judge, or by the SCAC judge on appeal.

Beveridge, J.A.

Saunders, J.A.

Derrick, J.A.