# NOVA SCOTIA COURT OF APPEAL

Clarke, C.J.N.S., Jones and Chipman, JJ.A.

Cite as: R. v. Dempsey, 1993 NSCA 52

#### **BETWEEN:**

KEITH DEMPSEY Mark F. Dempsey		
	Appellant	) for the Appellant )
- and -	)	) Robert E. Lutes ) for the Respondent
HER MAJESTY THE QUEEN		)
	Respondent	) Appeal Heard: February 9, 1993
		) Judgment Delivered: ) February 9, 1993 )
		) ) )
		) ) )
		J

THE COURT: Application for leave to appeal dismissed per oral reasons for judgment of Jones, J.A.; Clarke, C.J.N.S. and Chipman, J.A. concurring.

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

### JONES, J.A.:

We see no merit in this appeal even assuming that the notice of appeal raises a question of law. We agree with the reasons given by Anderson, J. in dismissing the appeal from Judge Oxner. The uncontradicted evidence was that the appellant was driving while substantially impaired. The application for leave to appeal is dismissed.

J.A.

Concurred in:

Clarke, C.J.N.S.

Chipman, J.A.

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# **BETWEEN**:

KEITH DEMPSEY			
- and - FOR	Appellant	)	REASONS
BY: HER MAJESTY THE	QUEEN	)	JUDGMENT
	Respondents	) ) )	JONES, J.A.
		)	