

**IN THE PROVINCIAL COURT OF NOVA SCOTIA**

**Citation:** R. v. Canning, 2010 NSPC 59

**Date:** 24 September 2010

**Docket #:** 2052215-17/2061807-812/2142245-47

**Registry:** Sydney

**Between:**

The Queen

v.

Kenneth Paul Canning

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**Judge:** A.P. Ross

**Heard:** 31 August 2010

**Summary**

The applicant, charged with various sexual offences against four complainants, having been refused legal assistance by Nova Scotia Legal Aid, makes application to the court for a stay of proceedings until state-funded counsel is provided to him by the province (a Rowbotham application).

The application was denied.

The applicant transferred assets to his wife shortly after the charges were laid. Despite various stresses he was experiencing at the time, he failed to demonstrate the diligence and responsibility expected of a person who is seeking this form of Charter relief. In addition to depriving himself of the means to retain private counsel, the evidence concerning his present financial situation was unclear and incomplete. Neither did the evidence show clearly that he would not receive a fair trial should he be self-represented.

In a separate but related application under s. 486.3 of the Criminal Code, an order was granted appointing legal counsel to cross-examine two of the complainants.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***