

**NOVA SCOTIA COURT OF APPEAL Citation:**  
*R. v. Carson*, 2022 **NSCA** 58

**Between:**

His Majesty the King

v.

**Glen Carson**

**Date:** 20220927 **Docket:**  
CAC 511086 **Registry:**  
Halifax

Appellant

**Respondent**

**Judges:**

**Appeal Heard:**

Written Release

Held:

**Counsel:**

Beveridge, Bourgeois and Beaton, J.J.A.

September 27, 2022, in Halifax, Nova Scotia

September 29, 2022

Leave to appeal **denied**, per reasons for judgment of Beveridge, J.A.; Bourgeois

**and** Beaton, J.J.A. concurring

Glenn Hubbard, for **the** appellant

Thomas Singleton **and** Leora Lawson, for **the** respondent

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**By the Court (Orally):**

[1]

This **is** an appeal from an oral unreported decision of Justice Darlene Jamieson, sitting as a judge of the Summary Conviction Appeal Court, in which she allowed the respondent's appeal from a summary conviction offence of sexual assault and ordered an acquittal.

[2] The appeal is brought pursuant to s. 839 of the *Criminal Code*, R.S.C. 1985, c. C-46. It can only be on a question of law, with leave of **the** Court.

[3] In deciding whether **leave** should be granted, we are to consider the significance of the legal issues raised to the general administration of criminal justice and the merits of the proposed grounds of appeal (see: *R. v. R.E.M.*, 2011 NSCA 8; *R. v. MacNeil*, 2009 NSCA 46; *R. v. Pottie*, 2013 **NSCA** 68; and *R. v. MacDonald*, 2013 NSCA 45).

[4]

The putative legal errors are **not** so clear, nor even if they raise arguable issues, **are** so significant to the general administration of justice that leave to appeal should be granted.

[5]

Having reviewed the whole of the record, considered the appellant's submissions, and the factors relevant to deciding whether leave should be granted, leave is denied.

[6]

As a result, it **is** not necessary to address **the** merits of the appeal.

**Concurred in:**

Bourgeois, J.A.

Beaton, J.A.

Beveridge, J.A.