

CANADA / JUDGMENT

R. v. Braut

2004 BCCA 394

COURT

British Columbia Court of Appeal

DECIDED

15 July 2004

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2004 BCCA 394 R. v. Braut COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Braut, 2004 BCCA 394 Date: 20040715 Docket: CA31957; CA31958 Between: Regina Respondent And Ivan John Braut Appellant Before: The Honourable Chief Justice Finch (In Chambers) D. St. Pierre Counsel for the Appellant V. Toselli Counsel for the Respondent Written Submissions of the Appellant filed: Written Submissions of the Respondent Crown filed: June 22, 2004 June 29, 2004 Place and Date of Judgment: Vancouver, British Columbia July 15, 2004 Reasons for Judgment of the Honourable Chief Justice Finch:

- [1] Mr. Braut applies under Section 680(1) of the Criminal Code for a direction that my order of 15 June 2004 be reviewed by a division of the court. The order of 15 June dismissed the appellant's application to stay two orders prohibiting him from driving a motor vehicle.
- [2] Applications under s.680 raise an issue as to the merits of the proposed review. The question is whether the court, applying the law, could possibly conclude that the application for a stay should have been allowed: see R. v. Gill, 2001 BCCA 569 ¶4, and authorities there cited.
- [3] As I made the order sought to be reviewed, it would be inappropriate for me to express any opinion on whether that threshold has been met.
- [4] I therefore direct a review of the order I pronounced on 15 June 2004. "The Honourable Chief Justice Finch"

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