

CANADA / JUDGMENT

R. v. Gellvear

[1998] 1 SCR 1218**COURT**

Supreme Court of Canada

DECIDED

23 June 1998

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R. v. Gellvear Collection Supreme Court Judgments Date 1998-06-23 Report

[1998] 1 SCR 1218 Case number 25973 Judges Cory, Peter deCarteret; McLachlin, Beverley; Iacobucci, Frank; Major, John C.; Bastarache, Michel On appeal from Alberta Subjects Criminal law Notes SCC Case Information: 25973 Decision Content R. v. Gellvear, [1998] 1 S.C.R. 1218 Sean Michael Gellvear Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Gellvear File No.: 25973. 1998: June 23. Present: Cory, McLachlin, Iacobucci, Major and Bastarache JJ. on appeal from the court of appeal for alberta Criminal law -- Appeals -- Supreme Court of Canada -- Accused appealing to Supreme Court of Canada on basis of dissent in Court of Appeal -- Factum not dealing with issue of law raised by dissenting judge -- Appeal dismissed. APPEAL from a judgment of the Alberta Court of Appeal (1997), 196 A.R. 18, 141 W.A.C. 18, dismissing the accused's appeal from his conviction by Demong Prov. Ct. J. on charges of robbery, unlawful disguise and possession of a weapon for an unlawful purpose. Appeal dismissed. Ruth Reimer, for the appellant. Arnold Schlayer, for the respondent. //Cory J.// The judgment of the Court was delivered orally by 1 Cory J. -- The motion brought by the respondent Crown to strike out paragraphs 3 to 24 of the appellant's factum must be granted since they do not deal with the legal issues raised in the dissent of Berger J.A. As a result there is no appeal before us arising from the issue of law raised in the dissent. 2 The appellant (respondent in the motion) now seeks leave to appeal on the matters that were raised in the factum in paragraphs 3 to 24. However, the appellant had been informed in the order made by Justice L'Heureux-Dubé that leave would be required to present that argument and leave was not sought. 3 At this late stage there is nothing further that the Court can do and the appeal is therefore dismissed. Judgment accordingly. Solicitor for the appellant: Ruth Reimer, Calgary. Solicitor for the respondent: The Attorney General for Alberta, Edmonton.

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