CANADA / JUDGMENT

R. v. Wheeler

2018 BCCA 496

COURT
British Columbia Court of Appeal

DECIDED
5 September 2018

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2018 BCCA 496 R. v. Wheeler COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Wheeler, 2018 BCCA 496 Date: 20180905 Docket: CA44056 Between: Regina Respondent And Christopher Todd Wheeler Appellant Restriction on Publication: A publication ban has been mandatorily imposed under

s. 486.4 of the Criminal Code restricting the publication, broadcasting or transmission in any way of evidence that could identify a complainant or witness, referred to in this judgment by the initials L.V. This publication ban applies indefinitely unless otherwise ordered. Before: The Honourable Mr. Justice Willcock The Honourable Madam Justice Fenlon The Honourable Madam Justice Fisher On appeal from: An order of the Supreme Court of British Columbia, dated February 12, 2016 (conviction) and November 1, 2016 (sentence) (R. v. Wheeler, 2016 BCSC 1092 and 2016 BCSC 2410, New Westminster Docket 78309-2). Oral Reasons for Judgment No one appearing on behalf of the Appellant Counsel for the Respondent: D.M. Layton, Q.C. Place and Date of Hearing: Vancouver, British Columbia September 5, 2018 Place and Date of Judgment: Vancouver, British Columbia September 5, 2018 Summary: The appellant not having filed a factum as directed by the case management judge, the Crown having applied to dismiss the appeal as abandoned, and the appellant not appearing, the appeal is dismissed as abandoned.

[1] WILLCOCK J.A.: The history of the proceedings in this appeal is set out in detail in the reasons of Mr. Justice Fitch for orders made at a case management conference on August 15, 2018.

[2] At that time, the case management judge adjourned the appeal and cross-examination of witnesses, then set for hearing on September 5 and September 7, 2018. An order was also made that the order appointing counsel to assist Mr. Wheeler for limited purposes had been spent.

[3] Mr. Justice Fitch in those reasons then said, at para. 25:

[25] I will further revise the filing schedule. Mr. Wheeler has until August 24, 2018, to file his factum. If he does not do so, the Crown is at liberty to apply to a division of this Court for dismissal of the appeal for want of prosecution. It is my understanding that the Crown intends to do so on September 5, 2018. Mr. Wheeler is well aware of this date, it having been set a considerable time ago.

[4] Despite that order, Mr. Wheeler did not file a factum on August 24, 2018.

[5] The Crown has, therefore, set down the application for today's date, pursuant to the direction of Mr. Justice Fitch, to dismiss the appeal as abandoned.

[6] The appellant, not appearing today, has not filed a factum. I would dismiss the appeal as abandoned.

[7] FENLON J.A.: I agree.

[8] FISHER J.A.: I agree.

[9] WILLCOCK J.A.: There will be an order to that effect. "The Honourable Mr. Justice Willcock"

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://www.bccourts.ca/jdb-txt/ca/18/04/2018BCCA0496.htm

CASE PAGE https://chat.esheria.ai/case-law/canada/r-v-wheeler-2018

Prepared on 30 October 2026 · Esheria