



**IN THE COURT OF APPEAL
OF NEWFOUNDLAND AND LABRADOR**

Citation: *R. v. Land*, 2026 NLCA 24

Date: June 29, 2026

Docket Number: 202501H0058 and 202501H0086

BETWEEN:

ROBERT ANDREW LAND

APPLICANT/APPELLANT

AND:

ATTORNEY GENERAL OF CANADA

RESPONDENT

Coram: F.J. Knickle J.A.

Court Appealed From: Supreme Court of Newfoundland and Labrador,
General Division 202401G3560

Application Heard: May 1, 2026

Judgment Rendered: June 29, 2026

Reasons for Judgment by: F.J. Knickle J.A.

Counsel for the Applicant/Appellant: Self-Represented

Counsel for the Respondent: Patricia MacPhee

**Counsel for the Newfoundland and
Labrador Legal Aid Commission:** Jason A. Edwards

Authorities Cited:

CASES CITED: *R. v. Ryan*, 2008 NLCA 42; *R. v. Ikkusek*, 2009 NLCA 39; *R. v. Hope*, 2012 NLCA 28; *R. v. Marshall*, 2011 NLCA 26; *R. v. Higdon*, 2021 NLCA 33; *R. v. D.R.*, 2021 NLCA 54; *R. v. Starkes*, 2019 NLCA 4; *R. v. Normore*, 2019 NLCA 12.

STATUTES CONSIDERED: *Criminal Code*, RSC 1985, c. C-46, sections 684(1), 684(2); *Extradition Act*, SC 1999, c. 18, section 52, 57(10).

RULES CONSIDERED: *Court of Appeal Civil Rules, 2025*, NLR 44/25, rule 40; *Court of Appeal Criminal Rules, 2025*, rule 45.

F.J. Knickle J.A.:

INTRODUCTION

[1] Robert Andrew Land has been committed to be extradited to the United States of America after a hearing in the Supreme Court of Newfoundland and Labrador General Division. The Minister of Justice has approved the extradition. Mr. Land has appealed the committal order of the extradition judge and sought judicial review of the Minister’s decision confirming the extradition.

[2] To pursue his appeal and judicial review, Mr. Land applies to this Court to have counsel appointed under sections 684(1) and (2) of the *Criminal Code*, RSC 1985, c. C-46. Sections 684(1) and (2) state:

684 (1) A court of appeal or a judge of that court may, at any time, assign counsel to act on behalf of an accused who is a party to an appeal or to proceedings preliminary or incidental to an appeal where, in the opinion of the court or judge, it appears desirable in the interests of justice that the accused should have legal assistance and where it appears that the accused has not sufficient means to obtain that assistance.

(2) Where counsel is assigned pursuant to subsection (1) and legal aid is not granted to the accused pursuant to a provincial legal aid program, the fees and disbursements of counsel shall be paid by the Attorney General who is the appellant or respondent, as the case may be, in the appeal.

[3] Mr. Land initially made application to be represented by the Commission for his appeal. At the time, he did not make an application for representation on the judicial review which required a separate application. His application for representation was abandoned at his request as he expressed dissatisfaction with the manner in which his application was being handled. For this reason, at the time of his application to this Court for the appointment of counsel, whether Mr. Land qualified for representation by the Commission had not been determined.

[4] At the hearing of this application, Mr. Land expressed a willingness to return to the application process for a determination of whether he could be represented by the Commission. He made application to be represented in both the appeal and the judicial review. The decision on the application to appoint counsel was delayed until the determination of whether Mr. Land would be represented by the Commission. On June 26, 2026, the Court was advised that Mr. Land's application was rejected and his subsequent appeal was denied for representation on both the appeal and judicial review.

[5] Section 684 applies to appeals and judicial reviews of extradition decisions by virtue of section 52 of the *Extradition Act*, SC 1999, c. 18. Section 57(10) states: "Unless inconsistent with the provisions of this Act, all laws, including rules, respecting judicial review in force in the province of the court of appeal apply, with any modifications that the circumstances require, to applications under this section." I am satisfied this permits the court to appoint counsel for the purpose of the judicial review as part of this Court's inherent authority as codified in rule 40 of the *Court of Appeal Civil Rules, 2025*, NLR 44/25.

[6] The decision to appoint counsel for an appellant, to be paid by the Attorney General in a criminal matter under section 684 of the *Code*, is a discretionary decision by the judge, where such an appointment is in the interests of justice

[7] This Court has repeatedly stated the considerations that inform the exercise of this discretion (*R. v. Ryan*, 2008 NLCA 42; *R. v. Ikkusek*, 2009 NLCA 39; *R. v. Hope*, 2012 NLCA 28; *R. v. Marshall*, 2011 NLCA 26; *R. v. Higdon*, 2021 NLCA 33; *R. v. D.R.*, 2021 NLCA 54; *R. v. Starkes*, 2019 NLCA 4; and *R. v. Normore*, 2019 NLCA 12). Those considerations include:

1. Whether the appellant has the financial means to engage counsel;

2. If the appellant does not have the financial means, whether or not Legal Aid will be made available to assist the appellant;
3. Whether there are serious issues to be tried on the appeal; and
4. Whether the appellant can adequately present their case and will the court be able to decide the case without the assistance of counsel.

[8] These considerations paraphrase the considerations as stated in rule 45 of the *Court of Appeal Criminal Rules, 2025*.

[9] Applying the above considerations, I am satisfied that in the circumstances of this case, it is in the interests of justice to appoint counsel for Mr. Land. I am satisfied that Mr. Land does not have the financial means to retain a lawyer, that he cannot avail of counsel through the Province's Legal Aid program, the Newfoundland and Labrador Legal Aid Commission (the "Commission"), and that the materials filed establish that there are serious issues to be tried on the appeal (keeping in mind this is a low threshold). While I am satisfied Mr. Land is able to represent himself, it would be preferable that he is represented by counsel. This would also be of assistance to the Court.

[10] Mr. Land has demonstrated that he understands the issues. He has communicated his views to the Court. Mr. Land can, to some degree, adequately present his case without the assistance of counsel. Having said that, the availability of the advice of counsel will be of assistance to him and the Court.

[11] For the above reasons, I am satisfied that it is in the interests of justice to appoint counsel.

[12] The application for the appointment of counsel is allowed and counsel shall be appointed for Mr. Land to be paid by the Attorney General of Canada.

F.J. Knickle J.A.