IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
COURT OF APPEAL

Citation: *R. v. Stack*, 2016 NLCA 2
Date: 20160126
Docket: 201501H0059

BETWEEN:

FRED STACK APPELLANT

AND:

HER MAJESTY THE QUEEN APPLICANT/RESPONDENT

Coram: White J.A.

Court Appealed From: Supreme Court of Newfoundland and Labrador
Trial Division (G) 201501G2011

Application Heard: January 26, 2016
Decision Rendered: January 26, 2016 (Orally)
Memorandum of Disposition Filed: January 27, 2016

The Appellant: Not present and not represented
Counsel for the Applicant/Respondent: Iain Hollett
Counsel for the Registrar of Motor Vehicles: Mark Sheppard

MEMORANDUM OF DISPOSITION

White J.A.:

[1] The appellant, Fred Stack, was charged with two counts of driving with a suspended license contrary to s. 43(2) of the *Highway Traffic Act*, RSNL 1990, c. H-3, for which default convictions were entered. He filed a notice of appeal in respect of both convictions in the Supreme Court Trial Division, seeking an extension of time to appeal and “looking to have the suspension lifted”. The appellant did not appear at the Trial Division hearing of the appeal, which was dismissed on the basis that he did not appear and that the administrative suspensions were not appealable. The appellant filed a notice of appeal in this Court on August 10, 2015.

[2] The appellant has not filed a factum and did not appear at the hearing in this Court. Proof of service on the appellant of notice of the hearing was filed by the applicant/respondent.

[3] As the appellant has unduly delayed the preparation and perfection of the appeal and has failed to apply to have the appeal set down for hearing, the notice of appeal was struck out pursuant to rule 57.17.

C. W. White J.A.