



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

Citation: *R. v. Colbourne*, 2018 NLCA 9

Date: February 6, 2018

Docket: 201701H0030

BETWEEN:

CLEON COLBOURNE

APPELLANT/APPLICANT

AND:

HER MAJESTY THE QUEEN

RESPONDENT

Coram: Welsh J.A.

Court Appealed From: Supreme Court of Newfoundland and Labrador
Trial Division (G) 201504G0258

Application Heard: February 6, 2018

Decision Rendered: February 6, 2018 (Orally)

Memorandum of Disposition Filed: February 7, 2018

Reasons for Decision by Welsh J.A.

Counsel for the Appellant/Applicant: Self Represented (by telephone)

Counsel for the Respondent: Sheldon Steeves

Counsel for the Attorney General of Newfoundland and Labrador:

Jessica Pynn

MEMORANDUM OF DISPOSITION

Welsh J.A.:

[1] At the hearing on February 6, 2018, I granted Mr. Colbourne's application for the assignment of counsel pursuant to section 684(1) of the *Criminal Code*, which provides:

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 ... 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] This is an appeal by the Crown following the acquittal of charges against Mr. Colbourne. I was satisfied that the assistance of counsel is necessary given the nature of the appeal, which may raise complex legal issues. While Mr. Colbourne was refused legal aid because he did not meet the financial threshold, I was satisfied that, in his particular circumstances, his financial means would likely mean he would have difficulty in retaining counsel. I emphasized in Court that I do not consider this case to be precedent setting, but was relying on the unique confluence of factors, being a Crown appeal, with potentially complex legal issues and considering Mr. Colbourne's limited financial means.

[3] In all the circumstances, I concluded that, in the interests of justice, Mr. Colbourne should be assigned counsel pursuant to section 684(1) of the *Criminal Code*.

B. G. Welsh J.A.