



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

Citation: *R. v. Hodder*, 2020 NLCA 37

Date: October 28, 2020

Docket Number: 201901H0096

BETWEEN:

JEFFREY HODDER

APPELLANT

AND:

HER MAJESTY THE QUEEN

RESPONDENT

Coram: Fry C.J.N.L.

Court Appealed From: Supreme Court of Newfoundland and Labrador,
General Division - 201901G6054

Appeal Heard: October 27, 2020

Judgment Rendered: October 28, 2020

Reasons for Judgment by: Fry C.J.N.L.

Counsel for the Appellant: Jeffrey Hodder – Self Represented

Counsel for the Respondent: Kathleen O'Reilly

MEMORANDUM OF DISPOSITION

Fry C.J.N.L.:

[1] Mr. Hodder, who was working for ProEdge Construction in Labrador, had arranged to fly from Labrador on October 22, 2019 to attend court in St. John's for the hearing of his application for an extension of time to appeal his traffic related conviction. The application was scheduled to be heard in the Supreme Court General Division on October 23, 2019. Mr. Hodder's flight was cancelled due to weather conditions. He stated that he contacted the Supreme Court Registry to advise of the situation and that he was given a new date of November 6, 2019 at 10:00 a.m.

[2] Mr. Hodder flew from Labrador to St John's when the weather cleared and appeared at the Supreme Court on November 6, 2019. He discovered that his matter was not on the docket and he was advised there was no record of his call on October 22, 2019. The application had been dismissed on October 23, 2019 due to his absence. A review of the transcript confirms that the judge was not advised of the cancelled flight or the new date.

[3] Mr. Hodder, a self-represented litigant, filed an appeal in this Court on November 7, 2019 asking this court to remit the matter to the Supreme Court to hear his application. The Crown filed the Appeal book and transcript in February 2020. The matter was set down for a status hearing on March 31, 2020 but due to the pandemic, the matter did not proceed.

[4] Mr. Hodder appeared at a status hearing on September 29, 2020. At the suggestion of the Crown, Mr. Hodder was advised to provide documentation from his employer to verify his flight cancellation, which occurred on October 22, 2019. Mr. Hodder filed correspondence from his employer confirming the cancellation of the flight on October 22, 2019 due to weather conditions. This documentation was provided to the Crown and the Court at a status hearing on October 27, 2020.

[5] The Court, being satisfied that the application of Mr. Hodder was dismissed in his absence through no fault of his, and with the Crown's consent, remitted the matter to the Supreme Court to hear Mr. Hodder's application.

D.E. Fry C.J.N.L.