

GUISEPPE COTRONI (*Appellant*)APPLICANT;

AND

HER MAJESTY THE QUEENRESPONDENT.

1961
*Mar. 13
Mar. 27

MOTION FOR LEAVE TO APPEAL

Criminal law—Leave to appeal to the Supreme Court of Canada—Extension of time—“Special reasons”—The Criminal Code, 1953-54 (Can.), c. 51, s. 597 (1)(b), as re-enacted by 1956, c. 48, s. 19.

Where it has not been shown that “special reasons” exist to extend the time within which leave to appeal to this Court may be obtained under s. 597(1)(b) of the *Criminal Code*, as re-enacted in 1956, such extension will not be granted.

APPLICATION for leave to appeal from a judgment of the Court of Queen’s Bench, Appeal Side, Province of Quebec¹. Application refused.

*PRESENT: Taschereau, Fauteux and Abbott JJ.

¹[1961] Que. Q.B. 173.

1961
COTRONI
v.
THE QUEEN

L. Corriveau, for the appellant, applicant.

M. H. Franklin, Q.C., for the respondent.

THE COURT:—We all agree that this application should be dismissed, and one of the reasons that justifies our refusal is that it is unreasonably tardy.

Under the *Criminal Code* (s. 597), a person convicted of an indictable offence, whose conviction is affirmed by the Court of Appeal, may appeal to this Court if leave is granted within twenty-one days after the judgment appealed from is pronounced. This Court, however, may for *special reasons* extend the time. Here, the judgment was pronounced by the Court of Queen's Bench on January 9, 1961, and the notice of motion asking for leave to appeal was filed only on the 9th of March.

The delay of twenty-one days is imperative unless, for special reasons, this Court extends such time. *Beaver v. The Queen*¹. It has not been shown to us that any special reasons exist in the present instance.

The application should be refused.

Application refused.

Attorney for the applicant: Lawrence Corriveau, Quebec.
