

Citation: R. v. Twiss  
2001 YKCA 011

Date: 20011116  
Docket: YU0444  
Registry: Whitehorse

**COURT OF APPEAL FOR THE YUKON TERRITORY**

**ORAL REASONS FOR JUDGMENT**

Before:

The Honourable Mr. Justice Esson  
The Honourable Madam Justice Southin  
The Honourable Mr. Justice Hall

November 16, 2001  
  
Vancouver, B.C.

BETWEEN:

**REGINA**

RESPONDENT

AND:

**DOUGLAS RICHARD TWISS**

APPELLANT

D. Twiss	appearing in person
S. Goldberg	appearing as agent for the Appellant
K. Drolet	appearing for the (Crown) Respondent

[1] **ESSON, J.A.:** We are sitting today in Vancouver as a division of the Court of Appeal of the Yukon. At the opening of the appeal Mr. Goldberg identified himself as appearing as agent for the appellant without fee. He is not gowned.

[2] The background to this is that he applied to the Yukon Law Society to be admitted as a member and was refused membership. This creates a very troubling situation for the Court. For one thing, we have the gravest doubts whether there is anything proper about the manner in which Mr. Goldberg has come before the Court. We also have grave concerns, however, for the appellant, who we are told has been in prison for a year serving a four-year sentence. Bail pending appeal was refused some months ago.

[3] In the circumstances, we have decided to hear the appeal and to permit Mr. Goldberg to be heard. As I say, we do so with the gravest reservations and wish to make it clear that this is not to be regarded as a precedent. In due course we will deliver written reasons explaining more fully the view which we take. But in order that the appellant will not be further prejudiced, the appeal may proceed.

"The Honourable Mr. Justice Esson"