

**IN THE COURT OF APPEAL OF MANITOBA**

*Coram:* Chief Justice Richard J. Chartier  
Mr. Justice Michel A. Monnin  
Madam Justice Janice L. leMaistre

***BETWEEN:***

<b><i>LARRY PETER KLIPPENSTEIN</i></b>	)	<b><i>L. P. Klippenstein</i></b>
	)	<i>on his own behalf</i>
<i>(Appellant) Appellant</i>	)	
	)	<b><i>C. R. Savage</i></b>
<i>- and -</i>	)	<i>for the Respondent</i>
	)	
<b><i>HER MAJESTY THE QUEEN</i></b>	)	<i>Appeal heard and</i>
	)	<i>Decision pronounced:</i>
<i>(Respondent) Respondent</i>	)	<b><i>March 15, 2019</i></b>
	)	

**CHARTIER CJM** (for the Court):

[1] The appellant initiated a private prosecution in the Provincial Court by swearing 96 informations. After reviewing the charges, the Crown stayed all counts pursuant to section 579 of the *Criminal Code* (the *Code*). The appellant’s appeal to the Court of Queen’s Bench was summarily dismissed. The appellant now appeals to this Court asking that the stays be vacated.

[2] The appellant is relying on *Dowson v The Queen*, [1983] 2 SCR 144, for the proposition that he had a right to a hearing in the Provincial Court before the Crown’s stay of proceedings was entered. The problem with his argument is that *Dowson* is no longer good law. After *Dowson*, the *Code* was amended.

The law now states that the Crown has the authority to exercise its discretion to stay proceedings in a private prosecution at any time after the information is sworn.

[3] Given the Crown proceeded in accordance with the provisions of the *Code*, there is no merit to the appellant's argument. The appellant also raises baseless allegations of bias, which we summarily reject. Recently, the appellant raised the identical issue and essentially made the same arguments in another appeal. That appeal was dismissed (see *Klippenstein v R*, 2019 MBCA 13). We adopt the reasons of the Court as set out by Hamilton JA in that appeal.

[4] Accordingly, the appeal is dismissed.

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Chartier CJM

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Monnin JA

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leMaistre JA