In the Court of Appeal of Alberta

Citation: R v Hok, 2026 ABCA 364

Date: 20261113
Docket: 2503-0156A
Registry: Edmonton

Between:

His Majesty the King

Respondent

- and -

Shirley Anne Hok

Applicant

Oral Reasons for Decision of
The Honourable Justice Alice Woolley

Application for Permission to Restore Appeal

Oral Reasons for Decision of
The Honourable Justice Alice Woolley

[1] On February 21, 2025, the applicant Shirley Hok was convicted of two summary conviction offences for breaching a court order, contrary to section 127(1) of the *Criminal Code*, RSC 1985, c C-46, and fined $300. On July 16, 2025, her appeal of those convictions was dismissed by a judge of the Court of King's Bench.

[2] On August 17, 2025, the applicant sought permission to appeal the decision dismissing her conviction appeal. The applicant did not perfect her appeal as required. On February 19, 2026, the appeal was deemed abandoned pursuant to Rule 16.24(3) of the *Court of Appeal of Alberta Criminal Appeal Rules*, SI/2018-34 [*Rules*]. Rule 16.24(3) states:

> An application for permission to appeal that has not been heard within 6 months from the date of the filing of the application is deemed to have been abandoned unless a case management officer otherwise directs.

[3] On February 24, 2026, the applicant sent an e-mail to the court arguing that the court's actions were illegal, asking that her appeal be restored, and for an exemption to filing through the CAMS e-filing system. The Court responded by e-mail on February 24, 2026, denying her request for an e-filing exemption and providing Ms. Hok with information on how to apply to restore her appeal.

[4] The applicant did not file any further materials with the Court until August 10, 2026, when she filed the within application to restore her abandoned application for permission to appeal.

[5] The applicant had not complied with the requirements of Rule 16.28 of the *Rules*, which require an application to restore an application for permission to appeal that has been deemed abandoned to be filed, served and granted within six months of it being deemed abandoned.

[6] Nonetheless, this court retains the jurisdiction to assess whether "it is in the interests of justice to rescind the abandonment": *R v Hetrick*, 2020 ABCA 310 at para 8. The applicant bears the onus of establishing that restoring their application for permission to appeal is in the interests of justice: *Mylonas v Kadman*, 2019 ABCA 39 at para 10. The same general considerations apply in civil and criminal matters.

[7] Whether to restore an application for permission to appeal in this context is informed by whether: a) there is arguable merit to the application for permission to appeal; b) there is an explanation for the delay which caused the application to be deemed abandoned in the first place; c) there is an explanation for the further delay in applying to restore; d) the applicant demonstrated

a continuing intention to proceed; and e) prejudice may result from restoring the application. Once the "six month line-in-the-sand deadline has passed", the test to restore an appeal is stricter and harder to meet: *R v Alam*, 2020 ABCA 10 at paras 6, 8; *Li v Morgan*, 2020 ABCA 186 at paras 8-9; *Piikani Nation v McMullen*, 2025 ABCA 114 at para 24.

[8] The applicant has not discharged this onus.

[9] First, the application for permission to appeal does not have arguable merit. Pursuant to s 839 of the *Criminal Code*, permission to appeal a lower court's denial of a summary conviction appeal is limited to questions of law alone:

> 839 (1) Subject to subsection (1.1), an appeal to the court of appeal as defined in section 673 may, with leave of that court or a judge thereof, be taken on any ground that involves a question of law alone, against
>
> (a) a decision of a court in respect of an appeal under section 822; or
>
> (b) a decision of an appeal court under section 834, except where that court is the court of appeal.
>
> [emphasis added]

[10] In addition, the question of law must be of sufficient importance to merit a further appeal and must be reasonably arguable. A second appeal to this Court is "exceptional and permission to appeal should be granted sparingly": *R v Bhalla* 2021 ABCA 126 at para 8; *R v Lofstrom*, 2020 ABCA 286 at paras 5-6.

[11] The applicant has not met this standard. None of the issues she raises is of general importance meriting a further appeal to this Court. In addition, they either have no arguable merit, or do not raise a question of law.

[12] The trial judge's refusal to grant an adjournment to allow the applicant to retain counsel was a discretionary decision, reviewable only for an error in principle, a failure to consider a relevant factor or because it was wholly unreasonable: *R v Babic*, 2026 ABCA 111 at para 28. The applicant does not identify any such error with the trial judge's refusal here.

[13] The applicant's claim that the appellate justice at the Court of King's Bench did not consider her arguments is contradicted by the oral reasons provided. Her suggestion that the appellate justice was biased is similarly without foundation.

[14] The applicant's claim that the trial judge's decision was unreasonable and unsupported by the evidence does not raise a question of law.

[15] The materials filed in support of the applicant's application also do not satisfactorily account for the delay that caused her appeal to be abandoned, her further delay in applying to have the application restored, or demonstrate a "continuous intention" to proceed. She filed no affidavit evidence explaining the reasons for either delay. The e-mails she appended to her factum show she had intermittent correspondence with the Court between August 2025 and August 2026. She filed no materials with the Court, except for an application to be exempt from e-filing, which was refused, between August 26, 2025 and August 10, 2026.

[16] The application is dismissed. Rule 9.4(2)(c) is invoked. The Court will prepare the resulting order.

Application heard and oral reasons delivered on November 5, 2026

Reasons filed at Edmonton, Alberta
this 13th day of November, 2026

Woolley J.A.

Appearances:

K. Fraser
for the Respondent

Applicant S.A. Hok