Court of Appeal for Saskatchewan **Citation: *R v Knoll*, 2026 SKCA 35**

Docket: CACR3906 **Date: 2026-03-06**

Between:

Erinn L. Knoll

Appellant

And

His Majesty the King

Respondent

Before:	Tholl, Kalmakoff and McCreary JJ.A.
Disposition:	Leave to appeal denied (orally)
Written reasons by:	The Court
On appeal from: Appeal heard:	CRM-RG-002042-2023 (SKKB), Regina March 6, 2026
Counsel:	Jason Clayards for the Appellant Theodore Litowski for the Respondent

The Court

I. INTRODUCTION

[1] Erinn Knoll was charged with the summary conviction offence of breaching a Public Health Order, contrary to s. 61 of *The Public Health Act, 1994*, SS 1994, c P-37.1. Following a trial in Provincial Court, Ms. Knoll was acquitted of that charge (*R v Apodaca*, 2023 SKPC 37).

[2] Notwithstanding her acquittal, Ms. Knoll appealed to the Court of King's Bench, seeking to reverse mid-trial rulings that had dismissed her applications challenging the constitutionality of the Public Health Order, and her application for a stay of proceedings based on an alleged violation of her rights under s. 11(d) of the *Charter* (see: *R v Hagel et al* (18 January 2023), Regina Information #991192882 (SKPC); *R v Friesen*, 2023 SKPC 18; and *R v Knoll*, 2023 SKPC 29).

[3] A judge of the Court of King's Bench, sitting as a summary conviction appeal court, dismissed Ms. Knoll's appeal because she determined that there was no jurisdiction to hear an appeal from an interlocutory ruling in those circumstances (*R v Knoll* (24 March 2025), Regina CRM-RG-00242-2023 (SKKB)). Ms. Knoll now seeks leave to appeal, and to appeal, against the ruling of the summary conviction appeal court.

[4] Pursuant to s. 839 of the *Criminal Code*, appeals to this Court in summary conviction matters are limited to questions of law alone and are permitted only with leave. Leave is granted sparingly such cases. To obtain leave, a prospective appellant must establish that the proposed appeal raises a question of law that is either: (a) significant to the administration of justice generally; or (b) compellingly meritorious in the circumstances of the case in question, having regard for, among other considerations, whether the appellant is facing a significant deprivation of liberty and whether a denial of leave would result in an injustice going unaddressed (*R v Bray*, 2017 SKCA 17 at para 2; *R v Zheleznikov*, 2023 SKCA 15 at para 5; *R v McFarlan*, 2025 SKCA 127 at para 2).

[5] We are not persuaded that Ms. Knoll's proposed appeal meets the standard for a grant of leave. The jurisdictional issue at the heart of Ms. Knoll's proposed appeal is one that is a well-

settled matter of law, and we see no credible basis to suggest that the summary conviction judge decided that point incorrectly.

[6] A right of appeal exists only where a relevant statute provides for it. In this case, the applicable provision of the *Criminal Code* – s. 813(a) – grants defendants in summary conviction proceedings the right to appeal against only: (i) a conviction or order made against them; (ii) a sentence imposed on them; or (iii) a verdict or finding made under the mental disorder provisions of the *Criminal Code*. In this context, the word "order" means an order that finally disposes of the charge set out in the information. There is nothing in s. 813(a), or anywhere else in the *Criminal Code*, that gives a person who has been acquitted the right to appeal against an unfavourable interlocutory ruling made during the trial.

[7] The relevant and authoritative jurisprudence – including decisions from this Court, the Supreme Court of Canada, and appellate courts in other provinces – confirms that there is no right to appeal against unfavourable interlocutory rulings in criminal or quasi-criminal proceedings (see, for example, *R v Mills*, 1986 CanLII 17, [1986] 1 SCR 863 at 958-59 (SCC); *R v Meltzer*, 1989 CanLII 68, [1989] 1 SCR 1764 at 1773 (SCC); *R v Awashish*, 2018 SCC 45 at para 10; *R v Varennes*, 2025 SCC 22 at para 32; *R v T.S.*, 1993 CanLII 9134, 109 Sask R 96 at paras 12-15; (CA) *R v Yates*, 2023 SKCA 47 at para 40; *R v Verma*, 2016 BCCA 307 at para 23; and *R v Holland*, 2019 BCCA 417 at paras 5-12).

[8] All of this means that Ms. Knoll's proposed appeal not only lacks merit, but also that it is not significant to the administration of justice generally because the question it raises is one that has been definitively answered.

[9] Additionally, the fact that Ms. Knoll was acquitted of the charge means that she is not facing a deprivation of liberty, and there is no risk of an injustice going unaddressed if leave to appeal is not granted.

[10] Accordingly, leave to appeal is denied.

"Tholl J.A."

Tholl J.A.

"Kalmakoff J.A."

Kalmakoff J.A.

"McCreary J.A."

McCreary J.A.