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R. v. Cox, 2026 NSCA 14

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NOVA SCOTIA COURT OF APPEAL
Citation: *R. v. Cox*, 2026 NSCA 14

Date: 20260213
Docket: CAC 516032
Registry: Halifax

2026 NSCA 14 (CanLII)

Between:

Kaz H. Cox

Appellant

v.

His Majesty the King

Respondent

Judges:	Farrar, Scanlan, Van den Eynden, JJ.A.
Appeal Heard:	February 3, 2026, in Halifax, Nova Scotia
Held:	Motion dismissed, per reasons for judgment of Van den Eynden J.A; Farrar and Scanlan, JJ.A. concurring
Counsel:	Kaz H. Cox, for the appellant Glenn A. Hubbard, for the respondent

Reasons for judgment:

[1] Mr. Cox appeals his first degree murder conviction. His appeal has yet to be set down for a hearing, in part because he brought this motion seeking to have his conviction set aside as he believes audio recordings of trial proceedings were tampered with and this prevents him from fairly advancing his appeal. Mr. Cox harbours the belief that many have and continue to conspire against him (including the Department of Justice, Nova Scotia Legal Aid, RCMP, judges of the trial court and judges of this Court) with the end view of unjustly convicting him of crimes. He also requests the Crown be ordered to produce additional audio recordings.

[2] Mr. Cox is self represented on appeal and he is incarcerated. To assist him, Mr. Cox's appeal is being case managed by Justice Cindy Bourgeios of this Court.[1] Justice Bourgeois set his motion down to be heard by a panel of this Court.

[3] These are the issues that arise from Mr. Cox's motion:

1. Are the audio recordings which are required to prepare the transcripts for appeal, incomplete or edited?
2. If the answer to the above is "yes", do the omissions and/or alterations prevent Mr. Cox from fairly advancing his appeal?
3. If the answer to 2 is "yes" is the setting aside of his conviction an appropriate remedy?
4. If the answer to 1 is "no" is the Crown obligated to produce the additional audio recordings requested by Mr. Cox?

[4] Mr. Cox elected to be tried by a judge and jury. Justice Jamie S. Campbell of the Nova Scotia Supreme Court was the presiding judge. In his Notice of Appeal Mr. Cox raises two grounds:

1. The trial judge [erred] in allowing crown counsel to make submissions in his closing address that invited the jury to draw inferences that were not available on the evidence.
2. The [crown's] closing address was improper for the same reason as above.

[1] Rule 91.21 authorizes the Chief Justice to appoint a judge of the Court of Appeal to assist in the management of an appeal.

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[5] To address the noted questions, I will review what the Crown's obligations are, and what it has supplied to date.

[6] As this is a "prisoner appeal" defined by *Civil Procedure Rule* 91.01(1)[2], the Attorney General is required, among other things, to:

- request a copy of the audio recording of the proceeding appealed from (Rule 91.14(1)). The audio recording must include the entire hearing of the proceedings, including evidence, the oral submissions, the jury charge, and all oral rulings and decisions (Rule 91.14(2)).
- ensure "a transcript of the proceeding to be prepared by a certified court reporter in compliance with s. 682(4) of the [*Criminal*] *Code*".
- prepare an appeal book that is compliant with Rule 91.15.

[7] It is obvious from its submissions the Crown is aware of its obligations including the filing of an appeal record that is compliant with the *Civil Procedure Rules* as well as its responsibilities surrounding post conviction disclosure, citing *Albon v. Ontario (Attorney General)*, 2019 ONSC 3372, paras. 149 and 150 wherein *R. v. Trotta*, 2004 CanLII 60014 (ONCA[3]) is quoted.

[8] The Crown filed a 10 volume appeal book along with 3 supplemental appeal books. The appeal record filed by the Crown appears to fully comply with the Rules. Mr. Cox has been invited to identify any relevant missing content in the appeal books both by the Crown and the case management judge. Apart from questioning their completeness, Mr. Cox has yet to identify any missing content. Further, the Crown reiterates its position that in the event something relevant is subsequently discovered to be missing from the appeal books this can be rectified by supplemental filings.

[9] To appease Mr. Cox's additional disclosure requests, and in compliance with an order made by the case management judge, the Crown also provided Mr. Cox with audio recordings for every court appearance (including appearances he made in Provincial Court) attached to the conviction under appeal. Mr. Cox also wanted the Crown to produce audio recordings for another criminal proceeding in which he was convicted of trafficking drugs, weapon related offences, and breach of

[2] The Rule defines "prisoner appeal" to mean "an appeal by a person who is in prison when the appeal is started and who is not represented by counsel".
[3] New trial ordered on different grounds: *R. v. Trotta,* 2007 SCC 49.

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probation (2021 NSSC 369)[4] and the transcript of the related show cause hearing. The Crown obliged these additional requests without conceding relevancy.

[10] As noted, Mr. Cox claims the audio recordings he received are incomplete, and alleges there was intentional tampering with audio content. The Crown's procurement of audio tapes was not entirely smooth. Initially some of the audio recordings provided by court services and in turn given to Mr. Cox, were incomplete. This was later rectified by the Crown and the missing audio recordings were provided to Mr. Cox. However, Mr. Cox's suspicions persist. But beyond simply saying the audio recordings remain incomplete and were tampered with, Mr. Cox offers no evidence to support these allegations.

[11] The panel also had the benefit of the sworn statutory declaration of Natasha Matthews, a Director in the Court Services Division. She explained the operations of and limited access to the audio recording system (Voxlog) used by the courts in Nova Scotia, which included:

> 4 Voxlog is the audio recording system used to record the audio of court proceedings in all levels of the Nova Scotia Courts.
>
> 5 Court officers use Voxlog to audio record and annotate court proceedings.
>
> 6 The Voxlog system maintains audio recordings of court proceedings in a secure, centralized system.
>
> 7 The Voxlog system enables searches for audio recordings based on case name, case number and date of court proceeding,[…].
>
> 8 Court Officers have access to listen to all Voxlog recordings except where a restriction on access has been placed on an audio recording.
>
> 9 Court Services Managers have access to listen to and copy all Voxlog recordings to USB drives except where a restriction on access has been is placed on an audio recording.
>
> 10 The Voxlog system does not allow anyone, including Court Officers and Court Services managers, to add, remove, change, edit or alter audio recordings.
>
> …
>
> 17 There are no restrictions to access placed on any audio recordings of the proceedings [provided to Mr. Cox].

[12] I am satisfied all the relevant materials Mr. Cox requires to advance his grounds of appeal are contained within the appeal books on file with this Court.

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[4] Mr. Cox appealed this decision. This Court dismissed his appeal (2024 NSCA 67).

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The record establishes the Crown has acted in a responsible and responsive manner to ensure the appeal record is properly before this Court and in providing additional disclosure to Mr. Cox. The Crown has followed the directions and orders of the case management judge and I find no fault or shortcomings.

[13] I am also satisfied that the audio recordings which were required to prepare the transcripts for appeal are complete and have not been edited or tampered with. Thus, the answer to the first question posed in paragraph 3 herein is “no”. Consequently there is no need to address questions 2 and 3.

[14] As to the final question posed namely—is the Crown obligated to produce the additional audio recordings requested by Mr. Cox?—the answer is “no”.

[15] In addition to the materials the Crown was required to file in this prisoners appeal and the additional materials requested by and provided to Mr. Cox, he still demands the audio recordings of the full days that his matters were spoken about in court, beginning when the court opened, and ending when the court closed, notwithstanding, the audio content would include various unrelated matters involving different accused persons before the court.

[16] Mr. Cox has not demonstrated the relevance of this material or how it might have impacted the result in the court below or how it might be linked to his grounds of appeal. I decline to order the Crown produce it.

Disposition

[17] Motion dismissed. It is now up to Mr. Cox to perfect his appeal in accordance with the directions of the case management judge.

Van den Eynden, J.A.

Concurred in:

Farrar, J.A.

Scanlan, J.A.

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