

Anti-abortionist hospitalized, a no-show at appeal

An anti-abortion activist who's appealing his convictions on tax-related charges was a no-show in court Monday because he's hospitalized.

David T. Little, 62 - formerly of the Fredericton area but now living in Alberton, P.E.I. - was convicted in November for failing to file tax returns for the years 2000, 2001 and 2002.

He argued that since his tax dollars go to fund abortions in hospitals, it constituted a violation of his freedom of religion.

He said he'll never file his tax returns and he'll never pay for \$3,000 in fines imposed for the Income Tax Act violations.

Little's notice of appeal, filed with the Court of Queen's Bench, largely argues the same points that failed for him at trial in provincial court.

He argues that the provincial court judge erred during the trial by failing to correctly interpret the Canadian Charter of Rights and Freedoms.

His appeal hearing was set to go ahead Monday.

Thaddee Renault, Little's friend, instead appeared on his behalf and requested an adjournment of the proceedings. He said Little is in hospital in P.E.I.

Little and a doctor filed letters with the court over the weekend, outlining that he's suffering from gastro-intestinal bleeding and exhaustion, and needs a few weeks to recuperate. Justice Hugh McLellan expressed concern that Little chose to wait until late Saturday night to fax the letters to the court.

Crown prosecutor Keith Ward said given Little's health concerns, he had no objection to his request for an adjournment. However, he said he did take issue with other grounds for adjournment that Little had brought up earlier last week, just before his admission to hospital.

Ward said Little requested adjournments and lengthy delays in the original case before the provincial court. McLellan was unimpressed with Little's non-attendance and predilection for delaying his case.

He said he wondered if Little's health problems might not lead to further delays should he remain ill or his health deteriorate further.

The judge said despite Little's feelings about the actions of some health-care professionals in Canadian hospitals, he didn't seem to have a problem with

availing himself of the system's services.

"The irony of his position is not lost on the Crown," Ward said.

Renault said Little had no ulterior motive when he went to the Western Hospital in P.E.I.

"Mr. Little wanted to appear here ... but his doctor recommended against it," he said.

McLellan granted the adjournment, setting the hearing over to Oct. 24, but he said it would be the last one in the case.

"Further requests for adjournment are unlikely to be granted at that point," he said.

He told Renault to impress upon Little that should he be unable to attend the October hearing date, he should arrange for a lawyer to come to court to argue the appeal on his behalf and in his absence.

Little is liable to serve 66 days in jail in default of payment of his fines should his appeal fail. McLellan also expressed some concern that Little has moved to another province, out of the jurisdiction of the court where an arrest warrant wouldn't have any power.