

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
TROY CHRISTOPHER BRIAND (Appellant)	- and -	HER MAJESTY THE QUEEN (Respondent)
CAC 174119	Halifax, N.S.	BATEMAN, J.A.

[Cite as: **R. v. Briand, 2002 NSCA 74**]

APPEAL HEARD: May 22, 2002

JUDGMENT DELIVERED: May 28, 2002

SUBJECT: Appeal from conviction and sentence on a charge of criminal harassment (s.264 **Criminal Code**).

SUMMARY: Mr. Briand was convicted of criminal harassment as a consequence of his persistent attempts to have contact with a Crown Attorney. That Crown Attorney had determined that the Crown would not proceed with criminal charges in relation to a complaint of sexual abuse of Mr. Briand by a former youth worker. It was the Crown's view that there was no reasonable likelihood of conviction. Mr. Briand did not feel that he had received a sufficient explanation of the Crown's decision not to proceed. He was sentenced to two months incarceration followed by a two year probationary period and a firearms prohibition, having been given credit on a two for one basis for two months spent on remand.

ISSUE: Was the verdict a reasonable one?

RESULT: The Crown proved the essential elements of the offence. In particular, even if one accepts Mr. Briand's submission that his actions were not intended to harass the Crown Attorney, at a minimum, the evidence supports the judge's finding that he was willfully blind or reckless as to the effect of his conduct. In short, the verdict is a reasonable one and supported by the evidence. Taking into account the circumstances of this offence and Mr. Briand's lengthy, although largely unrelated record, the judge did not err in principle in imposing this sentence, nor is it manifestly excessive.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 3 pages.</p>
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