

CASE NO.**VOL. NO.****PAGE**

DALE WAYNE KING

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

C.A.C. 154614

Halifax, N.S.

Per Quorum

[Cite as: R. v. King, 1999 NSCA 103]

APPEAL HEARD:

September 14, 1999

JUDGMENT DELIVERED:

September 15, 1999

SUBJECT:**Criminal Law, Sentences, aggravated assault, assault with a weapon, concurrent and consecutive sentences; totality.****SUMMARY:**

During a fight outside a tavern the appellant produced a knife, sliced the back of the bartender who was attempting to break up the scuffle, and stabbed the man with whom he had been fighting through the hand. He was sentenced to four years for aggravated assault for the stabbing and one year to be served consecutively for the incident with the bartender. He sought leave to appeal on grounds that the sentences were unfit.

ISSUE:

Were the sentences excessive, should they have been imposed concurrently, and did the sentencing judge over-emphasize deterrence and fail to consider rehabilitation?

RESULT:

Leave to appeal was granted but the appeal was dismissed. The sentences in their totality were in a reasonable range. The appellant's record included a similar previous offence and his use of the knife was an aggravating factor calling for a deterrent sentence. The trial judge appeared to have considered all relevant factors including rehabilitation.

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.