

IN THE SUPREME COURT OF NOVA SCOTIA  
APPEAL DIVISION

Clarke, C.J.N.S.; Hart and Jones, J.J.A.  
Cite as: R. v. Thibault, 1992 NSCA 29

BETWEEN:

HER MAJESTY THE QUEEN	)	Robert E. Lutes
	)	for the Appellant
Appellant	)	
	)	Philip J. Star
- and -	)	for the Respondents
	)	
DWAYNE GERALD THIBAULT	)	
	)	Appeal Heard:
Respondent	)	November 26, 1992
	)	
	)	Judgment Delivered:
	)	November 26, 1992
	)	

THE COURT: Appeal dismissed from decision of trial judge concerning an offence of assault contrary to s. 267(1)(b) of the **Criminal Code**, per oral reasons for judgment of Clarke, C.J.N.S.; Hart and Jones, J.J.A. concurring.

The reasons for judgment of the Court were delivered orally by:

**CLARKE, C.J.N.S.;**

The issue in this appeal is whether it was appropriate for the trial judge to grant a conditional discharge after the respondent pled guilty to an offence of assault contrary to s. 267(1)(b) of the **Criminal Code**.

We have reviewed the record and considered the oral and written submissions of both counsel. It is our opinion that in the circumstances as found by the trial judge, no error was committed in granting the conditional discharge. It is not necessary for this Court to consider the conditions imposed by the trial judge in granting the discharge.

The appeal is accordingly dismissed.

C.J.N.S.

Concurred in:

Hart, J.A.

Jones, J.A.