

**NOVA SCOTIA COURT OF APPEAL**

**Citation: *R. v. McKenna*, 2007 NSCA 40**

**Date:** Decision Date 20070410

**Docket:** CAC 269728

**Registry:** Halifax

**Between:**

Randall Bruce McKenna

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Thomas Cromwell

**Appeal Heard:** April 10, 2007

**Subject:** Unreasonable verdict – fitness of sentence

**Summary:** The appellant was convicted of stealing a truck and breach of an undertaking. He was sentenced to 24 months for the theft, 4 months consecutive for the breach, less 4 months credit for time on remand awaiting trial. He appealed his convictions and the sentences.

**Issues:**

1. Were the verdicts unreasonable?
2. Were the sentences fit?

**Result:** Appeal from the breach conviction allowed and the four month sentence imposed with respect to it set aside. There was no evidence that the undertaking was in force at the date of the alleged breach. Appeal from the conviction and sentence for the theft dismissed. There was ample evidence to support the conviction and the sentence was not manifestly unfit.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 6 pages.**