

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Eisan*, 2015 NSCA 65

Date: 20150626

Docket: CAC 434637

Registry: Halifax

Between:

Thomas Anthony Eisan

Appellant

v.

Her Majesty the Queen

Respondent

Restriction on Publication: 486 Criminal Code
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Judge: The Honourable Justice Duncan R. Beveridge

Appeal Heard: June 12, 2015 in Halifax, Nova Scotia

Subject: Criminal law: appeal from sentence

Summary: The appellant pled guilty to a charge of sexual interference under s. 151 of the Criminal Code. The trial judge imposed a sentence of 14 months' incarceration, followed by two years' probation. The appellant complains that the sentence is too harsh, and the condition in the probation order prohibiting possession or consumption of alcohol is unwarranted and could even interfere with his rehabilitation.

Issues: Did the trial judge err in the imposition of sentence?

Result:

Application for leave to appeal is granted, but the appeal is dismissed. The trial judge made no error of law or principle. The sentence of 14 months' incarceration is within the range of sentence. It is not unfit merely because the appellant can point to two other cases where a lesser type or length of sentence was imposed. With respect to the probation order, one of the admitted incidents involved the appellant drinking alcohol. There is no evidence that the ban on possession of alcohol would interfere with employment prospects.

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 9 pages.