

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
BERNARD JOHN BROWN	- and -	HER MAJESTY THE QUEEN
Appellant		Respondent
CAC 163244	Halifax	ROSCOE, J.A.

[Cite as: R. v. Brown, 2000 NSCA 146]

APPEAL HEARD: November 28, 2000

JUDGMENT DELIVERED: December 21, 2000

SUBJECT: **Criminal Law - Unreasonable Verdict - Sentence**

SUMMARY: The appellant was convicted in Provincial Court of assault and sentenced to 15 months incarceration.

ISSUES: Was the verdict reasonable? Was the sentence fit?

RESULT: Appeal from conviction dismissed. The trial judge carefully reviewed the evidence and found the evidence of the defence witnesses called to establish an alibi not capable of belief. The verdict was reasonable and there were no errors of law. Given the appellant's lengthy record, the violence of the offence and the fact that the appellant was on parole with a condition to have no contact with the victim, the sentence was not manifestly excessive. The appeal from sentence was dismissed.

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