

NOVA SCOTIA COURT OF APPEAL

Citation: *R v. K.R.D., 2005 NSCA 13*

Date: 20050127

Docket: CAC 224291

Registry: Halifax

Between:

Her Majesty the Queen

Appellant

v.

K.R.D.

Respondent

Judge(s): MacDonald, C.J.N.S

Appeal heard: January 20, 2005

Judgment delivered: January 27, 2005

Subject: **Criminal Law, Principles of Sentencing, Conditional Sentences**

Summary: In February of 2004 following a trial, Nova Scotia Provincial Court Judge A. Peter Ross convicted the respondent of sexually assaulting his young daughter. In May of that year, he was sentenced to a term of imprisonment of two years less one day, to be served in the community. The Crown has now appealed that sentence maintaining that institutional incarceration is required to properly achieve the statutory objectives of denunciation and deterrence.

Issue: Did the trial judge commit reversible error by imposing a community sentence in these circumstances?

Result: Appeal dismissed. The trial judge properly directed himself on the principles of sentencing and his disposition was not “*clearly inadequate*” in the circumstances.

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 7 pages.