

Date: 20020527  
Docket: CAC 176451

**NOVA SCOTIA COURT OF APPEAL**  
[Cite as: **R. v. A.S., 2002 NSCA 75**]

**Roscoe, Bateman and Cromwell, JJ.A.**

**BETWEEN:**

A.S.  
Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

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REASONS FOR JUDGMENT

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Counsel: Chandrashakhar Gosine for the appellant  
Laurel Halfpenny-MacQuarrie for the respondent

Appeal Heard: May 27, 2002

Judgment Delivered: May 27, 2002

THE COURT: Appeal dismissed per oral reasons for judgment of Bateman,  
J.A.; Roscoe and Cromwell, JJ.A. concurring.

**Publishers of this case please take note** that s. 38(1) of the **Young Offenders Act** applies and may require editing of this judgment or its heading before publication. Section 38(1) provides:

“38(1) No person shall publish by any means any report

(a) of an offence committed or alleged to have been committed by a young person, unless an order has been made under section 16 with respect thereto, or

(b) of a hearing, adjudication, disposition, or appeal concerning a young person who committed or is alleged to have committed an offence

in which the name of the young person, a child or a young person aggrieved by the offence or a child or a young person who appeared as a witness in connection with the offence, or in which any information serving to identify such young person or child, is disclosed.”

**BATEMAN, J.A.:** (Orally)

[1] The appellant young offender was found guilty of the offence of occupying a motor vehicle knowing that it was taken without the consent of the owner (**Criminal Code**, s. 335(1)). She appeals that conviction, alleging, *inter alia*, an unreasonable verdict.

[2] The appellant says that photographs of the vehicle were wrongly admitted into evidence, lacking proof of continuity; that the identification evidence was inadequate; and that the Crown failed to prove that the appellant possessed the requisite knowledge of the circumstances.

[3] The vehicle was taken without permission of the owners. The identity evidence of the three Crown witnesses was, collectively, sufficient to establish that the appellant was one of the three young women who fled from the vehicle after it was driven into a fence. The appellant's flight from the vehicle taken together with the evidence of damage to the vehicle ignition key mechanism and to the passenger side door lock is collectively sufficient to support inferences drawn by the trial judge which would lead to conviction. The appellant did not testify at trial.

[4] The verdict is not an unreasonable one.

[5] The appeal is dismissed.

Bateman, J.A.

Concurred in:

Roscoe, J.A.

Cromwell, J.A.