

S.C.C. No. 02624

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Clarke, C.J.N.S.; Hart and Hallett, JJ.A.

BETWEEN:

HER MAJESTY THE QUEEN

Appellant

- and -

RICHARD VINCENT VENIOT

Respondent

) Denise C. Smith
) for the Appellant
)
)
) Lawrence Wm. Scaravelli
) for the Respondent
)
)
) Appeal Heard:
) June 9, 1992
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) Judgment Delivered:
) June 9, 1992
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THE COURT: Leave to appeal is dismissed from sentences for offences contrary to sections 267(1)(a) and 279(2) of the **Criminal Code** per oral reasons for judgment of Clarke, C.J.N.S., Hart and Hallett, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally by:

CLARKE, C.J.N.S.

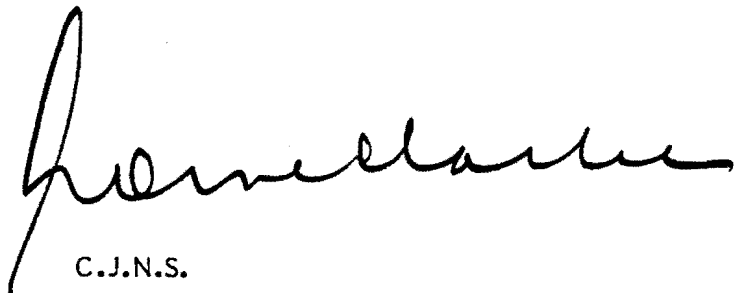
This is an application by the crown for leave to appeal from sentences of 90 days to be served intermittently and concurrently for two offences, to which the respondent pled guilty, of assault using a weapon contrary to s. 267(1)(a) of the **Criminal Code**. In addition the respondent entered guilty pleas to two offences of unlawful confinement contrary to s. 279(2). For these the trial judge suspended the passing of sentence for three years during which time he placed the respondent on probation, subject to strict conditions.

The trial judge recognized the sentences he imposed were low compared to the general range of sentencing for similar offences. In passing sentence he carefully reviewed the facts. He balanced them against the need to protect the public through deterrence and, in his opinion, the positive prospects of rehabilitating the offender.

The sentences were imposed on October 24, 1991. As a further precaution Judge Cacchione required the respondent to appear before him on February 21, 1992 with an updated post sentence report.

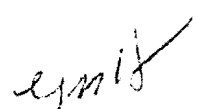
In the somewhat unusual circumstances surrounding the commission of these offences, we cannot say that the trial judge erred in principle or imposed sentences that were manifestly inadequate.


While leave to appeal is granted, the appeal is dismissed.



C.J.N.S.

Concurred in:

Hart, J.A. 

Hallett, J.A. 

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

CR: 11842.

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

on appeal from the

COUNTY COURT OF DISTRICT NUMBER ONE

HER MAJESTY THE QUEEN

- and -

RICHARD VINCENT VENIOT

HEARD BEFORE: The Honourable Judge Felix A. CACCHIONE.
PLACE HEARD: HALIFAX, Nova Scotia.
DATE HEARD: 24th October 1991.
COUNSEL: Denise C. SMITH, for the Prosecution.
Lawrence Wm. SCARAVELLI, for the Defence.

SENTENCE APPEAL
