

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Ginnish*, 2009 NSCA 7

**Date:** 20090122

**Docket:** CAC 297022

**Registry:** Halifax

**Between:**

Albert Charles Ginnish

Appellant

v.

Her Majesty the Queen

Respondent

---

**Judge:** Honourable Justice Linda Lee Oland

**Appeal Heard:** December 12, 2008

**Subject:** **Criminal Law - Credibility - Sufficiency of Reasons -  
Unreasonable Verdict - Sentencing**

**Summary:** The appellant appealed his conviction for assault, assault causing bodily harm, two utterances of a death threat and two breaches of a probation order, and sought leave to appeal his sentence of sixteen months in custody and two years probation. The case before the trial judge was essentially one of credibility. The appellant denied the allegations and presented alibi evidence.

**Issues:** Did the judge appropriately apply the test in *R. v. W.(D.)*, [1991] S.C.R. 742 in determining issues of credibility?

Did he err in law by failing to give adequate reasons for convicting the appellant?

Was his verdict unreasonable?

Did he fail to impose a sentence in accordance with the sentencing guidelines?

**Result:**

Leave to appeal sentence granted, but appeals against conviction and against sentence dismissed. The trial judge followed the process set out in *R. v. W.(D.)*. His reasons for his verdict are intelligible, met the functional test set out in the jurisprudence, and did not deprive the appellant of meaningful appellate review. The verdict the trial judge reached was not an unreasonable one. Nor was the sentence he imposed demonstrably unfit or clearly unreasonable.

**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 16 pages.**