

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. P.J.S., 2008 NSCA 111

Date: 20081205

Docket: CAC 296403

Registry: Halifax

Between:

P.J.S.

(A Young Person Within the Meaning of the Youth Criminal Justice Act)

Appellant

v.

Her Majesty The Queen

Respondent

Restriction on Publication: Pursuant to s. 110(1) of the Youth Criminal Justice Act.

Judge: The Honourable Justice Roscoe

Appeal Heard: November 24, 2008

Subject: Youth Criminal Justice Act, Conditional discharge, sentencing principles

Summary: A young person pled guilty to assault and was sentenced to nine months probation with conditions. The Youth Court judge indicated that a conditional discharge was not an appropriate sentence because it was contrary to the public interest. An appeal to the Summary Conviction Appeal Court was dismissed.

Issues: What are the appropriate principles of sentencing applicable to a conditional discharge pursuant to the Youth Criminal Justice Act? What was the appropriate sentence in this case?

Result: The appeal was allowed and a conditional discharge was substituted. The Youth Court judge and the Summary Conviction Appeal Court judge erred in finding that the requirements for an absolute discharge, that it be in the best interest of the young person and in the public interest, were applicable to a conditional discharge.

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 10 pages.

