

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. A.N.*, 2011 NSCA 21

Date: 20110218

Docket: CAC 310631

Registry: Halifax

Between:

A.N.

Appellant

v.

Her Majesty the Queen

Respondent

Publication Ban: pursuant to s. 486.4 of the Criminal Code

Judge: The Honourable Justice Joel Fichaud

Appeal Heard: February 1, 2011

Subject: **Sentencing for Sexual Assault**

Summary: Mr. N. was sentenced to consecutive terms of five years and three years for numerous sexual assaults of his daughters spanning a number of years. He appealed his sentence

Issues: Was eight years outside the range? Did the judge err by not following a joint sentencing recommendation of five years? Did the judge err in the credit for Mr. N.'s remand time?

Result: The judge did not err by declining to follow the joint sentencing recommendation. There was no error in the judge's view that five years was below the range given the circumstances here. Given that Mr. N.'s remand occurred because of his failure to appear, he was not entitled to 2 for 1 credit for remand.

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 21 pages.