

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. A.S.G., 2004 NSCA 7

Date: 20040115

Docket: CAC 194329

Registry: Halifax

Between:

A. S. G.

Appellant

v.

Her Majesty the Queen

Respondent

Editorial Notice

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JUDGE: Cromwell, J.A.

APPEAL HEARD: November 14, 2003

JUDGMENT DELIVERED: January 15, 2004

SUBJECT: Appeals of sentence - fitness - credit for pre-sentencing custody
- delay of parole eligibility

SUMMARY: The appellant was convicted of sexual assault, five counts of sexual touching and one count each of making and possessing child pornography. He had a serious criminal record including a four year prison sentence. All of the offences were committed

against young children with respect to whom the accused stood in a position of trust. The accused began his abuse of the children while still on parole from his previous federal sentence. The sentencing judge imposed a total of eight years imprisonment less one year for time served in custody, designated the appellant a long term offender and ordered that his parole eligibility should be delayed until one-half of the prison sentence had been served. The appellant sought leave to appeal.

ISSUES:

1. Was the total length of the sentences imposed excessive?
2. Was adequate credit given for time spent in custody before sentencing?
3. Was it appropriate to delay parole eligibility.

RESULT:

Leave to appeal granted but appeal dismissed. The sentencing judge did not err in principle and the sentence imposed was demonstrably fit. The sentence did not offend the principle of totality, the amount of credit for time in custody prior to sentence was within the discretion of the sentencing judge and was exercised in light of relevant considerations and there was ample evidence to support the delay of parole eligibility.

<p>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 11 pages.</p>
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