

FLINN, J.A.: (Orally)

Following a hearing, pursuant to the provisions of **s. 742.6** of the **Criminal Code of Canada**, R.S.C. 1985, c. C-46 before Provincial Court Judge Clyde MacDonald, the appellant was found to be in breach of the conditions of a conditional sentence which had been imposed upon him on August 7th, 1997. The conditional sentence had been imposed after the appellant was convicted of four offences involving one D.L..

One of the conditions imposed upon the appellant, as a term of the conditional sentence, was that he:

..... stay away from the person, premises, place of business of D.L..

The Crown complied with the provisions of **s. 742.6(4)** of the **Code** which provides as follows:

742.6(4) An allegation of a breach of condition must be supported by a written report of the supervisor, which report must include, where appropriate, signed statements of witnesses.

At the hearing, Judge MacDonald was satisfied that the Crown had proved, on a balance of probabilities, the substance of the allegations of breach contained in the supervisor's report and the witnesses statements. Judge MacDonald found that the appellant breached the conditions of his conditional sentence, he revoked the conditional sentence and directed the appellant be

committed into custody for the remainder of his sentence.

Judge MacDonald made no reviewable error in coming to this conclusion.

The appeal is dismissed.

Flinn, J.A.

Concurred in:

Bateman, J.A.

Cromwell, J.A.

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

SOLOMON MANSOUR

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

REASONS FOR
JUDGMENT BY:

FLINN, J.A.
(Orally)