

**NOVA SCOTIA COURT OF APPEAL**

**Citation: *R. v. J.B.O.*, 2013 NSCA 97**

**Date:** 20130905

**Docket:** CAC 407492

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

J.B.O.

Respondent

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**Restriction on Publication:** pursuant to s. 486 of the **Criminal Code**

**Judge:** The Honourable Justice David P.S. Farrar

**Appeal Heard:** May 30, 2013

**Subject:** **Criminal Law. Sexual Abuse. Principles of Sentencing. Adequacy of Sentence. Sections 718.01 and 718.2 of the Criminal Code of Canada, R.S.C. 1985, c. C-46**

**Summary:** The 70-year-old respondent pleaded guilty to charges relating to sexual abuse of his two young granddaughters. He was charged with touching his five-year-old granddaughter for a sexual purpose and with exposing himself to his nine-year-old granddaughter.

He was sentenced to 90 days in jail followed by a three year probationary term on the charge of touching his five-year-old granddaughter. He was sentenced to serve a consecutive nine month conditional sentence on the charge of exposing himself to his nine-year-old granddaughter.

The Crown appeals arguing that the sentence imposed was inadequate.

**Issue:** Whether the sentence ordered inadequately reflected the objects of denunciation and general deterrence; or alternatively, the sentence ordered was manifestly unfit.

**Result:** The conditional sentence was reduced from nine months to six months. Otherwise, the appeal was dismissed. The sentencing judge committed no error. She had regard to the appropriate principles and objects of sentencing and took into account the circumstances of the offence and the offender in coming to her conclusion. The sentence imposed was not manifestly unfit.

**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.**