

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Clarke, C.J.N.S.; Jones and Hallett, J.J.A.

BETWEEN:

JOHN DOUGLAS SELIG

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

Edmund R. Saunders
for the Appellant

Denise C. Smith
for the Respondent

Appeal Heard:
March 31, 1992

Judgment Delivered:
March 31, 1992


THE COURT: Appeal from sentence for assault causing bodily harm (**Criminal Code** s. 267(1)(b)) granted only to impose the mandatory provisions of s. 100(1) increasing the firearms prohibition to ten years and otherwise dismissing the remainder of the sentence imposed by the trial judge, per oral reasons for judgment of Clarke, C.J.N.S.; Jones and Hallett, J.J.A. concurring.

The reasons for judgment of the Court were delivered orally by:

CLARKE, C.J.N.S.:

The appellant applies for leave to appeal, and if granted, to appeal the sentence imposed on him on December 10, 1991 by the Honourable Judge Carver for the offence of committing an assault on L.A.H. and causing her bodily harm contrary to s. 267(1)(b) of the **Criminal Code**.

After reviewing the record and considering the submissions of counsel it is our unanimous opinion that the sentence imposed by Judge Carver is varied by giving effect to the mandatory provisions of s. 100(1) of the **Criminal Code** and thus increasing the prohibition concerning firearms and ammunition from five years to ten years. Otherwise the sentence imposed by Judge Carver is fit in all the circumstances. Leave to appeal is granted but the appeal is dismissed except as varied by the application of s. 100(1) of the **Criminal Code**.



C.J.N.S.

Concurred in:

Jones, J.A.



Hallett, J.A.



- CANADA
PROVINCE OF NOVA SCOTIA
1991

C.BW.8874

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

on appeal from

COUNTY COURT JUDGE'S CRIMINAL COURT

OF DISTRICT NUMBER TWO

(10)

HER MAJESTY THE QUEEN

- and -

JOHN DOUGLAS SELIG

Heard Before: The Honourable Judge Hiram J. Carver, J.C.C.

(20) Place Heard: Bridgewater, N.S.

Date Heard: December 10, 1991

Counsel: C. Lloyd Tancock, for the Crown;
Edmund R. Saunders, for the Defence.

(30)

A-P-P-E-A-L O-N S-E-N-T-E-N-C-E