

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Clarke, C.J.N.S., Matthews and Freeman, JJ.A.

BETWEEN :

S.M.H.B.

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

D.J. Morris
for the appellant

D.C. Smith
for the respondent

Appeal Heard:
April 8, 1991

Judgment Delivered:
April 8, 1991

THE COURT:

Leave to appeal granted. The appeal is dismissed per oral reasons for judgment of Matthews, J.A.; Clarke, C.J.N.S. and Freeman, JJ.A. concurring.

Publishers of this case please take note that s.38(1) of the Young Offenders Act applies and may require editing of this judgment or its heading before publication. Section 38(1) provides:

"38(1) No person shall publish by any means any report

(a) of an offence committed or alleged to have been committed by a young person, unless an order has been made under section 16 with respect thereto, or

(b) of a hearing, adjudication, disposition or appeal concerning a young person who committed or is alleged to have committed an offence

in which the name of the young person, a child or a young person aggrieved by the offence or a child or a young person who appeared as a witness in connection with the offence, or in which any information serving to identify such young person or child, is disclosed."

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

MATTHEWS, J.A.:

The appellant applies for leave to appeal and if granted, to appeal from the disposition of two years open custody imposed upon him on October 21, 1991, by His Honour Judge David E. Cole for the offence of wilfully setting fire to the Pugwash District High School on September 15, 1991. The appellant was then a young offender, just two months short of his 18th birthday.

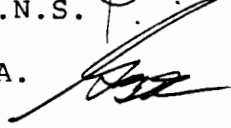
After reviewing the record, the reasons for disposition rendered by the trial judge and the written and oral submissions of counsel it is our opinion that the disposition imposed was not manifestly excessive.

Leave to appeal is granted. The appeal is dismissed.


J.A.

Concurred in:

Clarke, C.J.N.S. 

Freeman, J.A. 

CANADA

PROVINCE OF NOVA SCOTIA

1991

S.C.C. No.

IN THE SUPREME COURT OF NOVA SCOTIA
APPEAL DIVISION

on appeal from

THE YOUTH COURT

HER MAJESTY THE QUEEN

versus

S.M.H.B.

HEARD BEFORE: His Honour Judge David E. Cole

PLACE HEARD: Amherst, Nova Scotia

DATE HEARD: October 21, 1991

COUNSEL:

Carole A. Beaton, Esq., for the Crown

Douglas J. Morris, Esq., for the Defence

APPEAL ON DISPOSITION