

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. K.W.P.*, 2018 NSCA 30

Date: 20180409

Docket: CAC 467220

Registry: Halifax

Between:

K.W.P.

Appellant

v.

Her Majesty the Queen

Respondent

Restriction on Publication: s. 110(1) of the *Youth Criminal Justice Act*

Judges: Fichaud, Beveridge, and Bourgeois, JJ.A.

Appeal Heard: April 9, 2018, in Halifax, Nova Scotia

Written Release April 10, 2018

Held: Appeal of conviction dismissed; leave to appeal on sentence granted and appeal dismissed, per reasons for judgment of the Court

Counsel: Michael K. Power, Q.C., for the appellant
Mark Scott, Q.C., for the respondent

PUBLISHERS OF THIS CASE PLEASE TAKE NOTE THAT s. 110(1) and s. 111(1) OF THE *YOUTH CRIMINAL JUSTICE ACT*, S.C. 2002, c. 1 APPLIES AND MAY REQUIRE EDITING OF THIS JUDGMENT OR ITS HEADING BEFORE PUBLICATION.

110. (1) – Identity of offender not to be published – Subject to this section, no person shall publish the name of a young person, or any other information related to a young person, if it would identify the young person as a young person dealt with under this Act.

111. (1) – Identity of victim or witness not to be published – Subject to this section, no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person.

By the Court (orally):

[1] At the conclusion of trial in the Provincial court, the appellant was convicted of aggravated assault. He was subsequently sentenced to a period of incarceration of two years less a day, with credit for remand time. He appeals both conviction and sentence.

[2] With respect to his conviction, the appellant advances numerous grounds of appeal, alleging the trial judge made various errors of law. After reviewing the record, and hearing from the parties, we are satisfied that the appellant's complaints lie with the trial judge's findings of fact.

[3] Having considered the trial judge's reasons, we see no error of law on his part. The factual findings made were available to him on the evidence, and his credibility assessment in particular was entirely reasonable on the record. There being no basis for a claim of unreasonable verdict, the trial judge's factual conclusions are entitled to deference. The appeal of conviction is dismissed.

[4] With respect to sentence, we grant leave to appeal, but dismiss the appeal. There is no reason to interfere with the sentence imposed, nor do we find error with the trial judge's treatment of remand credit.

[5] For the reasons above, the appeal is dismissed.

Fichaud, J.A.

Beveridge, J.A.

Bourgeois, J.A.