

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

HART, J.A.:

On July 14, 1993, the appellant young offender and another youth broke and entered a dwelling house in Glace Bay and stole \$400.00 and several bottles of alcohol.

After guilty pleas the co-accused was sentenced to four months and two years probation but the appellant was given 14 months open custody to be followed by 14 months probation.

The appellant claims that his disposition was excessive and not in line with that of his co-accused who had been sentenced earlier by the same judge.

The trial judge considered that the appellant should be treated differently from his co-accused. He had amassed a record of five previous convictions. He was unwilling to submit to any discipline by either his family or his school. He had a problem with alcohol and drugs which he would not admit. He was obviously completely out of control and in need of a prolonged period of supervision if he was to be reformed in any way.

In our opinion the trial judge properly applied the principles of disposition embodied in the **Young Offenders Act**, R.S.C. 1985, c. Y-1 when he imposed the disposition that he did.

We would therefore grant leave but dismiss this appeal.

Hart, J.A.

Concurred in:

Clarke, C.J.N.S.

Matthews, J.A.

C.A.C. No. 104921

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

G. (T.J.)

Appellant)
- and -)
FOR) REASONS
BY:)
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) HART, J.A.
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Respondent)
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