

NOVA SCOTIA COURT OF APPEAL

Cite as: R. v. H.M.J., 1994 NSCA 147
Jones, Chipman and Pugsley, JJ.A.

BETWEEN:

H. M. J.

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

) Dell C. Wickens
) for the Appellant

) Kenneth W.F. Fiske, Q.C.
) for the Respondent

) Appeal Heard:
) June 7, 1994

) Judgment Delivered:
) June 7, 1994

Editorial Notice

Identifying information has been removed from this electronic version of the judgment.

THE COURT:

Leave to appeal granted, appeal allowed and sentences as set out in the warrant of committal totalling seven and one-half years are confirmed as per oral reasons for judgment of Jones, J.A.; Chipman and Pugsley, JJ.A. concurring.

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

JONES, J.A.:

The appellant was convicted on four counts arising out of indecent assaults by the appellant on his stepdaughter D.L.

This is an application for leave to appeal against sentence. The appellant contends that the trial judge in imposing sentence, stated that she was imposing a sentence of 26 months on the second count whereas the transcript and the warrant indicated a term of 36 months. It is abundantly clear from the record that the trial judge intended to impose a total term of seven and one-half years in prison.

The assaults occurred over a period of seven years and were very serious.

We grant leave to appeal, allow the appeal and confirm the sentences as set out in the warrant of committal totalling seven and one-half years.

J.A.

Concurred in:

Chipman, J.A.

Pugsley, J.A.