

**NOVA SCOTIA COURT OF APPEAL**

**Citation: *R. v. S.A.C.*, 2007 NSCA 55**

**Date:** 20070508

**Docket:** CAC 270629

**Registry:** Halifax

**Between:**

S.A.C.

Appellant

v.

Her Majesty the Queen

Respondent

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

**Judge:** The Honourable Justice Nancy Bateman

**Appeal Heard:** April 10, 2007

**Subject:** s. 39(1)(c) of the Youth Criminal Justice Act, S.C. 2002, c. 1

(“**YC  
JA**”).

**Summary:** Young person sentenced to secure custody pursuant to s. 39(1)(c) of **YCJA**. He had a significant record of prior offences and was being sentenced for 15 additional offences, primarily auto theft and break and enter into a dwelling house. The judge was satisfied that there was a “a history that indicates a pattern of findings of guilt” within the meaning of s. 39(1)(c). In so deciding, the judge considered the offences for which the young person was then being sentenced.

**Issues:** Can the offences for which the young person is being sentenced be included in determining whether there is “a history that indicates a pattern of findings of guilt”? Young person alleged, as well, that the

pre-sentence reports did not satisfy the requirements of s. 40(2)(d) of the YCJA.

**Result:** Appeal dismissed. The judge did not err in considering the current as well as prior offences. The pre-sentence report conformed with the requirements of s. 40(2)(d).

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 14 pages.**