

causing bodily harm. The Crown is urging a term of imprisonment. The respondent was discharged on conditions prescribed in a probation order for a period of two years. The respondent is a member of the armed services with an excellent record and no previous convictions. While the offence was serious it occurred while the respondent was drinking excessively at a party. We have carefully reviewed the record and heard the representations of counsel and we are satisfied that the learned trial judge applied the proper principles in granting a conditional discharge in this case. In a post-sentence report it is clear that the respondent is complying with all conditions in the probation order. He remains a member of the armed forces. The appeal and application for leave to appeal are dismissed.

J.A.

Concurred in:

Hallett, J.A.

Matthews, J.A.

C.A.C. No.02825

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

HER MAJESTY THE QUEEN

Appellant)
- and -)
FOR) REASONS
BY:)
LEIGH ERIC RHYNOLD) JUDGMENT
Respondent)
) JONES,
) J.A.
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