

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** R. v. J. R. L., 2007 NSCA 62

**Date:** 20070523

**Docket:** CAC 273600

**Registry:** Halifax

**Between:**

Her Majesty The Queen

Appellant

v.

J. R. L.

Respondent

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**Restriction on Publication:** Pursuant to s. 110(1) and 111(1) of the **Youth Criminal Justice Act**

**Judge:** The Honourable Justice Elizabeth Roscoe

**Appeal Heard:** March 23, 2007

**Subject:** **Criminal Law, Youth Criminal Justice Act, Sentencing**

**Summary:** The Crown appealed the sentence of six months deferred custody and 18 months probation imposed on a 17 year old who pled guilty to a series of offences arising out a home invasion.

**Issues:** The Crown argued generally that the sentence was inconsistent with the purpose and principles of sentencing of the **YCJA** and that the sentence was demonstrably unfit. Specific issues raised included parity with sentences to co-accused, availability of community resources, credit for time served on remand, meaningful consequences, and the legality of conditions in probation and deferred custody orders that JRL provide breath and urine samples on demand.

**Result:** Appeal dismissed. Although the Youth Court Judge failed to consider s. 39(3)(b) of the **YCJA**, which requires consideration of previous non-custodial sentences, the sentence was not demonstrably unfit. While this sentence must be viewed as exceptional and even extraordinary, it should not be disturbed.

**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 28 pages.**