

**YOUTH JUSTICE COURT OF NOVA SCOTIA**  
**Citation:** Her Majesty the Queen v. J.G., 2004 NSPC 6

**Date:** 20040114  
**Docket:**1392751  
**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

J.G.

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**LIBRARY HEADING**

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**PUBLICATION**

**RESTRICTION:** Sections 110 and 111 of the Youth Criminal Justice Act

**Judge:** The Honourable Judge Pamela S. Williams

**Heard:** January 6, 2004 in Halifax

**Subject:** Criminal Law - Judicial Interim Release and Presumption Against Custody s. 29(2) Youth Criminal Justice Act.

**Summary:** Young Person, with minor youth record awaiting trial on four (4) informations, (25 charges in total) and subject to two (2) Undertakings of a Responsible Person, now seeking his release on two (2) additional informations alleging sexual interference on one and robbery plus multiple breaches of court orders on the other.

**Issue:** Does the presumption against custody pursuant to S. 29(2) of the Youth Criminal Justice Act apply to a charge of sexual interference when the Crown is seeking detention on the secondary ground of S. 515(10) of the Criminal Code.

**Result:** Sexual interference is a violent offence for which custody may be imposed pursuant to S. 39(1) of the Youth Criminal Justice Act. Therefore the presumption against custody in S. 29(2) of the Youth Criminal Justice Act does not apply when the Crown is seeking detention on the secondary ground under S. 515(10) of the Criminal Code.