

**YOUTH COURT FOR THE PROVINCE OF NOVA SCOTIA**

**Citation:** R. v. B.M., 2004 NSPC 53

**Date:** 20040913

**Case Number:** 1071901

**Registry:** Shubenacadie

**Between:**

Her Majesty the Queen

v.

B.M.

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**LIBRARY HEADING**

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- Judge:** The Honourable Judge Pamela S. Williams
- Heard:** September 2<sup>nd</sup> and 3<sup>rd</sup>, 2004 at Shubenacadie, N.S.
- Oral Decision:** September 13<sup>th</sup>, 2004
- Subject:** Review of suspension of conditional supervision (for second degree murder) pursuant to s. 26.6 of the *Young Offenders Act*
- Summary:** **Following a hearing the Youth Court was satisfied on reasonable grounds that B.M. breached four conditions of his conditional supervision by virtue of his involvement in an incident where a young man was struck in the head with a beer bottle and received nine stitches. B.M. failed to: keep the peace and be of good behaviour, confine himself to his residence, abstain from possession of alcohol and abstain from possession of weapons.**
- Issue:** **Whether** the Youth Court should cancel the suspension of conditional supervision ( and release B.M. on the same or varied conditions) or continue the suspension of conditional supervision and if so, for how long?
- Result:** **The Youth Court relied on ss. 3 (declaration of principles) and 26.1 (continuation of custody) of the Young Offenders Act, together with s. 109(4) of the Youth Criminal Justice Act (factors to be considered in a review of a custody and supervision order) and sentencing principles established by case law to review the decision of the Provincial Director**

to suspend B.M.'s conditional supervision.

Given the nature, the number and the seriousness of the breaches so early into the period of conditional supervision (53 days) in spite of intensive efforts to rehabilitate B.M. while in custody and in spite of stringent release conditions, the Youth Court has no confidence whatsoever that B.M. can be released and still be assured that the public can be protected. Therefore the suspension of B.M.'s conditional supervision will continue for the remainder of the disposition, that is until June 13<sup>th</sup>, 2007.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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