

**IN THE YOUTH JUSTICE COURT OF NOVA SCOTIA**

**Citation:** R. v. C.S. 2008 NSPC 22

**Date:** May 20, 2008

**Docket:** 1836771 , 1836675

**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

C.S

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**LIBRARY HEADING**

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

**Heard:** April 18, 2008 and May 6, 2008, in Halifax

**Written Decision:** May 20, 2008

**Subject:** **Crown application to have youth, charged with aggravated assault, sentenced as an adult pursuant to Section 64(1) of the *Youth Criminal Justice Act (YCJA)***

**Summary:** CS, a 14 year old female youth, along with two others brutally beat and tortured a young woman who sustained serious facial injuries including a broken eye socket, a broken nose and cigarette and lighter burns to her head and facial area. Reconstructive facial surgery was required. CS had a short but recent related record and was on probation at the time. A section 34 psychological report described CS as a youth who, for much of her young life, lacked consistent and effective parenting. By the age of 12 years she was 'embracing and demonstrating oppositional and antisocial behaviour' and was involving herself with older negative peers, crime and illegal substances.

**Issue:** Whether a youth sentence (maximum 2 years), imposed in accordance with the purposes and principles of sections 3(1)(b)(ii) and 38 of the *YCJA*, is of sufficient length to hold CS accountable for her offending behaviour.

**Result:** Youth sentence imposed. A 2 year custody and supervision order, with requisite intensive and rehabilitative treatment is of sufficient length and the best means available of holding CS accountable. Such a sentence holds CS accountable to a very high degree through support and supervision, provides for immediate consequences in the event of non-compliance, and is flexible to permit early community supervision, (court review section 94 *YCJA*), if and when sufficient progress is made to justify early release. A lengthier adult sentence would be less intense, less supportive and less likely to hold CS accountable in a truly meaningful way. The resources are simply not available in the adult system to address the issues.

In order to address identified risks and needs, such as attention problems, aggressive and anti-social attitudes and pro-violence and pro-criminal values it is strongly recommended that CS be considered for intensive rehabilitative treatment funded pursuant to 'Part C' of the Supplementary Memorandum of Agreement between the federal government and the Province of Nova Scotia respecting federal contributions to the province's youth justice services and programs.

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