

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. O.A.P. , 2008 NSSC 365

Date: 20081030

Docket: C.R. NO. 262112

Registry: Halifax

Between: Her Majesty the Queen

v.

O. A. P.

Restriction on Publication: PUBLISHERS OF THIS CASE PLEASE NOTE THAT THERE IS A PUBLICATION BAN PURSUANT TO 486.4 (1) SUBSECTION (2) OF THE CRIMINAL CODE OF CANADA ORDER DIRECTING THAT THE IDENTITY OF THE COMPLAINANT AND ANY INFORMATION THAT WOULD DISCLOSE HER IDENTITY SHALL NOT BE PUBLISHED IN ANY DOCUMENT OR BROADCAST IN ANY WAY.

LIBRARY HEADING

Judge: The Honourable Justice Douglas L. MacLellan

Heard: May 26, 27, 28, 29, 2008 in Halifax, Nova Scotia
October 30, 2008, Sentencing, in Halifax, Nova Scotia

Subject: Criminal Law Sentencing

Summary: Accused convicted of six charges involving break and enter and assault with a weapon, unlawful confinement, sexual assault and breach of undertaking. Crown requesting twelve years custody and defence suggesting four to six years.

Issue: What was appropriate sentence and should accused get credit for pre-trial custody.

Result: Accused sentenced to total of six years after being given credit for twenty four months already served. Orders made requiring D.N.A. sample. Requirement to file with sex offender registry and fire arms prohibition.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***

A ban on publication of the contents of this file has been placed subject to the following conditions:

486.4 (1) Subject to subsection (2), the presiding Judge or Justice may make an order directing that the identity of a complainant or a witness and any information that could disclose the identity of the complainant or witness shall not be published in any document or broadcast in any way when an accused is charged with

(a) any of the following offences:

- (I) an offence under section 151, 152, 153, 153.1, 155, 159, 160, 170, 171, 172, 173, 210, 211, 212, 213, 271, 272, 273, 346 or 347,
- (ii) an offence under section 144, 145, 149, 156, 245, 246 of the **Criminal Code**, chapter C-24 of the Revised Statutes of Canada, 1970, as it read immediately before January 4, 1983, or
- (iii) an offence under section 146, 151, 153, 155, 157, 166 or 167 of the **Criminal Code**, chapter C-24 of the Revised Statutes of Canada, 1970, as it read immediately before January 1, 1988, or

(b) two or more offences being dealt with in the same proceeding, at least one of which is an offence referred to in any of subparagraphs (a) (I), (ii) and (iii).

This ban is in effect until further Order of the Court.

REPORTING OF THIS PROCEEDING IN ANY MANNER THAT WOULD IDENTIFY THE NAME OF ANY INDIVIDUAL WHOSE NAME IS COVERED BY THE BAN IS STRICTLY PROHIBITED WITHOUT LEAVE OF THE COURT. THE INTENT OF THE FOREGOING IS TO PROTECT THE WELFARE OF ANY CHILDREN OR VICTIMS REFERRED TO IN THE PROCEEDING AND/OR AVOID PREJUDICE TO ANY PERSONS FACING CRIMINAL CHARGES.