

SUPREME COURT OF NOVA SCOTIA

Citation: *R v. Taweel*, 2014 NSSC 310

Date: 20140814

Docket: CRH No. 410910

Registry: Sydney

Between:

Her Majesty the Queen

v.

Stephen Nicholas Taweel

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Judge: The Honourable Justice Patrick J. Murray

Heard: August 14, 2014, in Halifax, Nova Scotia

Oral Decision: August 14, 2014, in Halifax, Nova Scotia

Written Decision: August 27, 2014, in Sydney, Nova Scotia

Subject: Sentencing.

Summary: The Accused, age 55, a first time offender was convicted of sexual assault contrary to section 271 of the Criminal Code of Canada. The Accused had a positive Pre-Sentence Report and standing in the community. Accused was assessed a low risk to reoffend.

Issue: What is a fit and proper sentence?

Result: Applying principles of sentencing Accused received a sentence of 28 months imprisonment. Conditional Sentence rejected as circumstances called for federal term of imprisonment. Denunciation and deterrence were primary sentencing objectives. Aggravating factors included circumstances of the offence.

Cases cited:

Criminal Code of Canada, R.S.C., c. C-46; **R v. Proulx**, [2000] 2 S.C.R. 61; **R v. W. (L.F.)**, [2000] 1 S.C.R. 132; **R. v. Morine**, 2011 N.S.S.C 46; **R. v. Ruzic**, [2001] 1 S.C.R. 687; **R. v. Chaulk**, [1990] 3 S.C.R. 1303; **R. v. H.S.**, 2014 ONCA 323; **R. v E.(M.W.)**, 2009 NSPC 65, 2011 NSCA 87; **R. v. Oliver**, 2007 NSCA 15; **R. v. Gordon**, 1984 CanLII 2564; **R. v. Cromwell**, 2005 NSCA 137; **R. v. W. (J.J.)**, 2012 NSCA 96; **R. v. Weaver**, 120 N.S.R. (2d) 66; **R. v. A. (W.H.)**, 2011 NSSC 246; **R. v. Pomerleau**, 2009 ONCJ 189; **R. v. Bradley**, 2008 ONCA 179; **R. v. F. (G.C.)**, [2004] O.J. No. 3177, (ONCA); **R. v. C.K.H**, [1998] N.S.J. No. 520; **R. v. Winters**, [1999] N.S.J. No. 49; **R. v. A.C.**, 2011 ONSC 4389; **R. v. MacLachlin**, 2013 SKQB 332; **R. v. Mehanmal**, 2012 ONCJ 681; *Canadian Charter of Rights and Freedoms*, 1982, R.S.C. 1985; **R. v. S.C.C.**, 2004 NSPC 41; **R. v. P.E.S.**, [2000] N.S.J. No. 341; **R. v. Nowe**, 2004 NSCA 137; **R. v. G.A.L.**, 2001 NSCA 29; **R. v. Taweel**, 2014 NSSC 103;

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