

WARNING

THIS IS AN APPEAL UNDER THE *YOUTH CRIMINAL JUSTICE ACT*

AND IS SUBJECT TO:

110. (1) Subject to this section, no person shall publish the name of a young person, or any other information related to a young person, if it would identify the young person as a young person dealt with under this Act.

111. (1) Subject to this section, no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person.

138. (1) Every person who contravenes subsection 110(1) (identity of offender not to be published), 111(1) (identity of victim or witness not to be published), 118(1) (no access to records unless authorized) or 128(3) (disposal of R.C.M.P. records) or section 129 (no subsequent disclosure) of this Act, or subsection 38(1) (identity not to be published), (1.12) (no subsequent disclosure), (1.14) (no subsequent disclosure by school) or (1.15) (information to be kept separate), 45(2) (destruction of records) or 46(1) (prohibition against disclosure) of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985,

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) is guilty of an offence punishable on summary conviction.

CITATION: R. v. R.E., 2011 ONCA 541

DATE: 20110803

DOCKET: C51135

COURT OF APPEAL FOR ONTARIO

Feldman, Blair and Watt JJ.A.

BETWEEN

Her Majesty The Queen

Respondent

and

R.E. (A Young Person)

Appellant

Michael Dineen, for the appellant

Grace Choi, for the respondent

Heard and endorsed: July 29, 2011

On appeal from conviction entered by Justice J.E. Allen of the Youth Justice Court, dated February 10, 2009 and sentence imposed, dated March 17, 2009.

APPEAL BOOK ENDORSEMENT

[1] The appellant appeals her conviction and sentence for robbery. We see no merit in the conviction appeal and, in particular, the trial judge's use of the after-the-fact conduct evidence.

[2] We would allow the sentence appeal. The trial judge appears to have overreacted to what he perceived to be an inappropriate approach by the Crown in the region to young offender robberies.

[3] While this was a serious offence, the sanction imposed of 6 months open custody, 3 months community supervision, 12 months probation and \$350 restitution, exceeding the recommendation of both Crown and defence, was excessive in all the circumstances.

[4] The appellant has served two-and-a-half months in custody. We would reduce the sentence to time served, deleting the probation, plus maintaining the restitution order.