

NOVA SCOTIA COURT OF APPEAL

Hallett, Chipman and Pugsley, J.J.A.

Cite as: R. v. Thistle, 1993 NSCA 216

B E T W E E N:

BRUCE EDWARD THISTLE

appellant

- and -

HER MAJESTY THE QUEEN

respondent

) **Jean C. Morris**
) **for appellant**

) **William D. Delaney**
) **for respondent**

) **Appeal Heard:**
) **November 30, 1993**

) **Judgment Delivered:**
) **November 30, 1993**

THE COURT: Appeal dismissed per oral reasons for judgment by Hallett, J.A.; Chipman and Pugsley, J.J.A., concurring

The reasons for the judgment of the Court were delivered orally by:

HALLETT, J.A.:

This is an appeal from sentence. The appellant's counsel has advised us that she cannot make

oral representations in view of the failure of the appellant to appear at this hearing, as required to appear by the terms of his release pending appeal. The Crown has moved for a dismissal of the appeal and for a warrant for the arrest of the appellant.

We have had the opportunity to review the decision of the sentencing judge imposing a sixty-day intermittent sentence for an assault offence contrary to s. 267(1)(a) of the **Code**.

We have considered the written arguments put forward by the appellant's counsel as well as those of the Crown. We are of the opinion the sentence was fit and that the appeal should be dismissed.

The appellant has contravened the terms of his release pending appeal which required him to attend at the hearing of the appeal at this Court on November 30, 1993 at ten o'clock in the forenoon; he is not here. A warrant shall issue pursuant by the power conferred on this Court by s. 676(6) of the **Code**.

Hallett, J.A.

Concurred in: Chipman, J.A.

Pugsley, J.A.

C.A.C. No. 02902

B E T W E E N:

BRUCE EDWARD THISTLE) REASONS FOR

appellant)
) **JUDGMENT BY:**
)
- and -) **HALLETT, J.A.**
) **(Orally)**
HER MAJESTY THE QUEEN)
)
respondent)