

CASE NO.	VOL. NO.	PAGE
J.L.Z. (Young Offender) (Appellant)	- and -	HER MAJESTY THE QUEEN (Respondent)
CAC157509	Halifax, N.S.	Pugsley, J.A.

[Cite as: R. v. J.L.Z., 2000 NSCA 17]

APPEAL HEARD: November 24, 1999

DECISION DELIVERED: January 21, 2000

SUBJECT: **Criminal Law - Young Offenders Act - Transfer of Proceedings to Ordinary Court**

SUMMARY: JLZ, fourteen at the time, was charged with having committed a number of indictable offences arising out of a home invasion that occurred on April 12, 1999. The Crown's application to transfer the proceedings to ordinary court was successful. JLZ appealed.

RESULT: Appeal dismissed.
While not endorsing, in some instances, the manner in which the trial judge expressed the burden of proof, the court was unanimously of the view that reading the judgment as a whole, the trial judge recognized that the burden rested on the Crown, and that any doubt about the need to transfer JLZ, in order to accomplish rehabilitation, must be resolved in his favour.

Based on the findings of fact made by the trial judge, and placing the appropriate burden on the Crown respecting the transfer issue, the decision to transfer should be confirmed.

The trial judge did not express an opinion as to whether the issue of protection of the public included, in addition to the rehabilitation of JLZ, the sentencing objectives of general deterrence. The trial judge would have been correct if she had considered general deterrence as a factor. The need for general deterrence must be assessed in accordance with the principle that deterring others is of diminished importance in relation to young persons. However, in the circumstances of this case, the factor of general deterrence would have been an additional and compelling reason for allowing the Crown's application to transfer.

This information sheet does not form part of the court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 31 pages.