

CASE NO.**VOL. NO.****PAGE**

MICHAEL GORDON JOHNSTON

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

CAC 160149

Halifax, N.S.

**BATEMAN, J.A.
(Orally)**

[Cite as: R. v. Johnston, 2000 NSCA 29]

APPEAL HEARD:

February 8, 2000

JUDGMENT DELIVERED:

February 8, 2000

WRITTEN RELEASE OF ORAL:

February 10, 2000

SUBJECT:

Mr. Johnston pleaded guilty to four counts of fraud and one of attempted fraud. Offender had several related priors dating back to 1992 and was on probation at the time of these offences. While there was evidence before the Court that he reacted poorly to stress and would benefit from psychiatric counselling, Judge found that there was nothing in the medical information to explain his criminal behavior. She was not satisfied that anything, but a period of institutional incarceration would be fit. He was sentenced to 19 months incarceration.

ISSUES:

Should the sentence be varied to a conditional disposition.

RESULT:

Appeal dismissed. Consistent with the guidance provided by S.C.C. in **R. v. Proulx**, sentencing judge made no error in rejecting a conditional disposition.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 1 pages.