

1970

S. C. No. 15223

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

BETWEEN:

HER MAJESTY THE QUEEN
- and -
Respondent

SYLVESTER JOSEPH PAUL
Appellant

AND

S. C. No. 15233

HER MAJESTY THE QUEEN
- and -
Respondent

CLEMENT PERCY PAUL
Appellant

McKINNON, C.J.N.S.:

It is the unanimous opinion of the Court that leave to appeal should be granted and the appeal allowed; sentence varied to four months from January 14, 1970, in the County Jail for the County of Cape Breton, concurrent with sentences for the other offences, then placed on probation for a period of two years under the provisions of the Criminal Code. Besides the automatic provisions of the probation order, there should be additional conditions: (1) that both Sylvester Joseph Paul and Clement Percy Paul will refrain from the use of intoxicating liquors for a period of two years; (2) that they will report to a probation officer when and as directed.

DATED at Halifax, Nova Scotia, this 15th day of May,
A. D., 1970.

Appeal Division

McKinnon, C.J.N.S.
Coffin, J.A.
Cooper, J.A.

Counsel

D. W. Thomas, Esq., Appellant
G. S. Gale, Esq., Respondent