

## 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138(1) Every person who contravenes subsection 110(1) (identity of offender not to be published), 111(1) (identity of victim or witness not to be published), 118(1) (no access to records unless authorized) or 128(3) (disposal of R.C.M.P. records) or section 129 (no subsequent disclosure) of this Act, or subsection 38(1) (identity not to be published), (1.12) (no subsequent disclosure), (1.14) (no subsequent disclosure by school) or (1.15) (information to be kept separate), 45(2) (destruction of records) or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.

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. T.B-J., 2017 ONCA 746

DATE: 20170926

DOCKET: C63596 & C63597

Pardu, Huscroft and Fairburn JJ.A.

BETWEEN

Her Majesty the Queen

Appellant

and

T.B-J.

Respondent

AND BETWEEN

Her Majesty the Queen

Appellant

and

N.A.M.

Respondent

Matthew Asma, for the appellant

David W. Russell, for the respondent, T.B-J.

Michael Ellison, for the respondent, N.A.M.

Jane Stewart and Mary Birdsell, for the intervener, Justice for Children and Youth

Heard and released orally: September 22, 2017

On appeal from the sentence imposed on March 13, 2017 by Justice Aston Hall of the Ontario Court of Justice.

### REASONS FOR DECISION

[1] The Crown appeals from the sentence imposed on two young persons on the ground that it was manifestly unfit. The Crown also asks this Court to set judicial criteria for the grant of a reprimand by a youth court judge. We decline to do so.

[2] We disagree that the sentence was manifestly unfit. It was a legally available sentence and the sentencing judge considered all relevant factors including the seriousness of the offence and the circumstances of the offenders.

[3] Both offenders had taken substantial rehabilitative measures on their own. There is no basis to interfere with the trial judge's exercise of discretion in this case. There will be a publication ban in respect of any information which serves to identify either young person.

[4] The appeal is dismissed.

“G. Pardu J.A.”  
“Grant Huscroft J.A.”  
“Fairburn J.A.”