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THE COURT: I appreciate that comment. And you've heard what I've said in relation to, to those type of comments and the ability for an accused to, to continue to maintain their innocence. In relation to this, this is a sentencing of Glenn Carson for a sexual assault.

He was very briefly the owner operator of a restaurant in the Bridgewater area. The victim was a member of the staff. His unwanted sexual activity, included brushing her buttocks with his hands, and elbowing her in the breast with, with his elbow. In relation to this, the Crown has provided a number of cases, to which shows the wide range of sentencing that's available. As well, as pointed out in 718 of the *Code*, and provisions relating to sentencing contained in the *Code*, set out the number of factors that has to be considered in determining whether this is a fit and appropriate sentence. As well, I note that the accused was in a position of authority over his worker, and that's an aggravating feature, as well as the facts

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1 themselves.

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3 These type of behaviors, particularly from employers and
4 people in authority, has to be, well, demonstrably discouraged.

5 This is activity that is nothing more or less than sexual

6 assaulting and violating a person's sexual integrity, and it

7 cannot be condoned by society, and it is not. In relation to

8 this, I've reviewed the, the cases provided, the PSR, which is

9 when I say unremarkable, it's, it's a positive. But he's been

10 working and, and has been for some time, and has his background.

11 It is a first offence. That's important.

12

13 There's a range put forward, and the joint recommendation

14 is one that is fit and appropriate, given those cases and taking

15 into account the admonitions of the Supreme Court of Canada in

16 relation to joint recommendations. It is in, in the middle area

17 of, of the sentences, and it is, by no means, below or, or what

18 should be given. So in any event, this will have a period of

19 four months custody that can be served in, in under house

20 arrest, or under a conditional sentence order without

21 endangering the community as well. It would be followed by six

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1 months' probation. In relation to the conditional sentence
2 order, it would require that, that he - what, what about the
3 reporting element? How do I handle that? Because he's, he's
4 not in the province. My, my suggestion might be, and I, I was -
5 would look forward to hearing from either you, Mr. Power or,
6 well both you and the Crown, would be that I order that he
7 contact by phone today the probation office here in Nova Scotia,
8 in Bridgewater and make the appropriate efforts as they require
9 for him to sign, acknowledge, and deal with the probation and
10 conditional sentence order. Is that -

11 **MR. LEVESQUE**: Yeah. I think what I've seen in cases
12 where we have out of province accused, that's exactly what
13 happens. They contact the local probation office here in
14 Bridgewater, and then Bridgewater would make arrangements for
15 him to...

16 **THE COURT**: Okay.

17 **MR. LEVESQUE**: ...reference the probation office in his
18 location, which is what they did for the presentence report.

19 **THE COURT**: Okay. Great. And any...

20 **MR. POWER**: That's fine...

21 **THE COURT**: ...problem with...


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1 **MR. POWER:** ...Your Honour.

2 **THE COURT:** ...that?

3 **MR. POWER:** No. No comment.

4 **THE COURT:** So in relation to that, I order Mr. Carson
5 that you call today to the offices of correctional services in
6 Bridgewater, Nova Scotia at 99 High Street, Suite 216,
7 Bridgewater, Nova Scotia, 902-543-4721, before four o'clock this
8 afternoon and that you comply with their request for you to
9 attend and to follow-up in whatever manner they deem necessary.
10 In relation to this you are to have no contact direct or

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12 are to attend for counselling assessment programs as directed by
13 your supervisor, you're to participate in any and cooperate with
14 any of those programs. You are to maintain house arrest
15 commencing today at 4:00 p.m. during the period that you're
16 under house arrest. The exceptions would be when dealing with a
17 medical emergency or medical appointment involving you or a
18 member of your household traveling to and from by the most
19 direct route. If you're attending a scheduled appointment with
20 your lawyer, your supervisor, or probation officer, traveling to
21 and from those appointments by the most direct route. If you're

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1 attending a counselling appointment or, or treatment program at
2 the direction of, and with the permission of your supervisor,
3 traveling to and from that appointment program or meeting by
4 most direct route, and for not more than four hours per week
5 approved in advance to be outside for the, the purposes of
6 tending to personal needs. Your compliance with the electronic,
7 or with the house arrest condition will be that you present
8 yourself at the entrance of your residence, should your
9 supervisor and or peace officer attend and check for compliance
10 or to comply with any electronic supervision as directed by your
11 supervisor. The probation will be for a further six months
12 after that. The terms will mirror those with the exception of
13 the house arrest condition. The sex offender order, the SOIRA
14 order, will be granted as well as the DNA. And what was the
15 other – all the ancillary orders requested by the Crown are
16 granted. I think that covers everything if I'm not mistaken.
17 And the, the victim fine surcharge I'll waive.

18 **MR. POWER:** Thank you, Your Honour.

19 **THE COURT:** So, Mr. Carsons (*sic*), you need to call that
20 number as quickly as you can and go from there. Thank you, sir.

21 **MR. POWER:** Thank you, Your Honour.

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1 | **THE COURT:** Thank you.

2 | **MR. LEVESQUE:** Thank you, Your Honour.

3 | **COURT CLOSED** **(TIME: 10:10 A.M.)**