



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

June 10, 2014

14-13

Crown Files Appeal from Sentence in Dangerous Offender Case

Victoria - The Criminal Justice Branch, Ministry of Justice, announced today that on May 14, 2014 it filed an Appeal from Sentence in the case of *R. v. D.J.S.* [British Columbia Supreme Court (Smithers) File #21387-2; Court of Appeal File CA41809 (Vancouver)].

On December 21, 2010, DJS was convicted in B.C. Supreme Court in Smithers of sexual assault, contrary to section 271 of the *Criminal Code of Canada*. At sentencing the Crown successfully sought to have DJS found a dangerous offender. Rather than impose an indeterminate sentence, the judge imposed a sentence of four years jail, together with a ten year long-term supervision order.

The Criminal Justice Branch has reviewed the *Reasons for Sentence* and determined that in this case an appeal should be initiated. The Branch alleges that the sentencing judge erred in law in that she failed to correctly interpret the *Criminal Code* provisions respecting the sentencing of dangerous offenders. The sentencing judge effectively sentenced the respondent as a long-term offender, which the Branch will argue was unsupported by the evidence before the court regarding his rehabilitative prospects and the potential for a reduction of the risk of harm. The Branch asserts that there is no reasonable expectation that a sentence of anything less than an indeterminate sentence of incarceration in the penitentiary will adequately protect the public.

A hearing date for the appeal has not yet been set. As this matter is now before the Court of Appeal, the Criminal Justice Branch will not comment further on the specifics of the case.

Once the appeal has been heard and the Court of Appeal has released its decision, the

Branch Vision

Courageous, Fair and Efficient – A Prosecution Service that has the Confidence of the Public.

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decision will be accessible from the Court's website, at:

http://www.courts.gov.bc.ca/court_of_appeal/recent_judgments.aspx

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To learn more about B.C.'s criminal justice system visit the British Columbia Prosecution Service website at:

<http://www.ag.gov.bc.ca/prosecution-service/>

or Justice B.C. :

www.justicebc.ca/en/cjis/index.html