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R. v. Wood

Between
Her Majesty the Queen, appellant, and
Robin Keith Wood, respondent

[1975] O.J. No. 290

24 C.C.C. (2d) 79

Ontario Supreme Court - Court of Appeal
Toronto, Ontario

Jessup, Martin and Houlden JJ.A.

Heard: March 13, 1975.
Oral judgment: March 13, 1975. Released: March 19, 1975.

(2 pp.)

Counsel:

E. Then, for the appellant. F.R. Caputo, for the respondent.

The judgment of the Court was delivered by

1 JESSUP J.A. (orally):-- This is an appeal by the Crown from the sentence of conditional discharge, followed by three years probation, imposed following the conviction of the respondent after his plea of guilty to a charge of assault occasioning bodily harm.

2 The respondent is a much bigger man than the complainant and without provocation he committed an assault with his fists upon the complainant resulting in serious injury to the face and eyes of the complainant.

3 The respondent is 20 years of age. He has had no other convictions and the pre-sentence report evidences that he has been a model citizen. He has aspirations to be a professional hockey player and it is urged that a conviction would disable him from residing in the United States and that such residence would be necessary if he were hired by an American team.

4 It is our view that in cases of violence resulting in injury the requirement of general deterrence to the public militates, in almost every case, against the grant of a conditional discharge, notwithstanding considerations personal to the accused.

5 In this case, accordingly, we are of the opinion that a grant of conditional discharge would not be in the public interest; we are not convinced that the interests of the appellant will be seriously prejudiced by the registration of a conviction.

6 In the result the appeal will be allowed and the sentence below set aside and in its place there will be a sentence of a fine of \$300, followed by probation for one year on the conditions imposed by His Honour Judge Greco. The respondent will have 30 days to pay the fine.

JESSUP J.A.

MARTIN J.A.

HOULDEN J.A.

---- End of Request ----

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