

COURT OF APPEAL OF
NEW BRUNSWICK



COUR D'APPEL DU
NOUVEAU-BRUNSWICK

7-21-CA

ADAM JOSEPH BECK

APPELLANT

- and -

HER MAJESTY THE QUEEN

RESPONDENT

Beck v. R., 2021 NBCA 33

CORAM:

The Honourable Justice Quigg
The Honourable Justice Green
The Honourable Justice French

Appeal from a decision of the Provincial Court:
November 10, 2020 (conviction)
January 5, 2021 (sentencing)

History of Case:

Decision under appeal:
Unreported

Preliminary or incidental proceedings:
None

Appeal heard:
June 16, 2021

Judgment rendered:
June 24, 2021

Counsel at hearing:

For the appellant:
Ben Reentovich

For the respondent:
Patrick McGuinty

ADAM JOSEPH BECK

APPELANT

- et -

SA MAJESTÉ LA REINE

INTIMÉE

Beck c. R., 2021 NBCA 33

CORAM :

l'honorable juge Quigg
l'honorable juge Green
l'honorable juge French

Appel d'une décision de la Cour provinciale :
le 10 novembre 2020 (déclaration de culpabilité)
le 5 janvier 2021 (détermination de la peine)

Historique de la cause :

Décision frappée d'appel :
inédite

Procédures préliminaires ou accessoires :
aucune

Appel entendu :
le 16 juin 2021

Jugement rendu :
le 24 juin 2021

Avocats à l'audience :

Pour l'appelant :
Ben Reentovich

Pour l'intimée :
Patrick McGuinty

THE COURT

Leave to appeal is granted and the sentence imposed is that upon which the parties agreed: three months' incarceration, not to be served intermittently, followed by 24 months' supervised probation. Reasons will follow.

LA COUR

L'autorisation d'appel est accordée et la peine infligée est celle sur laquelle les parties se sont entendues : trois mois d'incarcération, ne devant pas être purgés de façon intermittente, suivis de 24 mois de probation sous surveillance. Les motifs suivront.

The following is the judgment delivered by

THE COURT

[1] Given the position taken by the Attorney General on appeal, as well as his support of the joint recommendation on sentence at the time of sentencing, the application for leave to appeal and the appeal are allowed. The sentence is varied and will be the sentence proposed in the original joint submission, being three months' incarceration, not to be served intermittently, followed by 24 months' supervised probation. Mr. Beck's request to have the remainder of his sentence stayed is dismissed.

[2] All probation conditions imposed by the trial judge shall remain in effect except for number three, which will now read: Have no contact directly or indirectly with any child under the age of 10, unless supervised, except for his own children.

[3] Reasons will follow.

[4] Considering the nature and effect of this decision, we direct, in accordance with s. 24(2) of the *Official Languages Act*, S.N.B. 2002, c. O-0.5, that it be published in the first instance in English and, thereafter, at the earliest possible time, in French.