

Date: 20010918  
Docket: CAC 167813

**NOVA SCOTIA COURT OF APPEAL**  
[Cite as: **R. v. Mahaney, 2001 NSCA 127**]

**Bateman, Cromwell and Saunders, J.J.A.**

**BETWEEN:**

ALLEN FREDERICK MAHANEY

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

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REASONS FOR JUDGMENT

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Counsel: Appellant not appearing  
Peter P. Rosinski for the respondent

Appeal Heard: September 18, 2001

Judgment Delivered: September 18, 2001

**THE COURT:** Leave to appeal sentence granted but appeal dismissed per oral reasons for judgment of Saunders, J.A.; Bateman and Cromwell, J.J.A. concurring.

**SAUNDERS, J.A.: (Orally)**

[1] After a thorough review of the evidence and the submissions filed we are unanimously of the view that there is no merit to the appeal and no basis for our interfering with the sentence imposed by the learned trial judge. We are satisfied that she carefully exercised her discretion in determining what “credit” to give the offender for the time he had spent in custody prior to sentencing. Leave to appeal the sentence is allowed. The appeal is dismissed.

Saunders, J.A.

Concurred in:

Bateman, J.A.

Cromwell, J.A.