

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Oickle*, 2015 NSCA 87

**Date:** 20151001

**Docket:** CAC 432842

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

Casey Elias Oickle

Respondent

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**Judge:**

The Honourable Justice J.E. (Ted) Scanlan

**Appeal Heard:**

May 19, 2015, in Halifax, Nova Scotia

**Subject:**

**Leave to appeal and appeal of sentence Controlled Drugs and Substances Act, S.C. 1996, c. 19 (CDSA), s. 5(2) offences**

**Summary:**

The respondent was found in possession of cocaine and morphine and pled guilty to two counts of possession for the purpose of trafficking. At the time of his arrest he also had possession of a replica handgun, a baton and a sword. He was charged with weapons offences under the **Criminal Code** and pled guilty to a charge in relation to the replica handgun. He had no prior convictions. He was 19 at the time of arrest but 21 when sentenced. The trial judge imposed a 2 year conditional sentence in relation to the weapons offence. That has not been appealed. The sentencing judge then imposed a suspended sentence and two years' probation on the **CDSA** offences.

**Issues:**

- (1) Leave to appeal?
- (2) Was the possession of weapons an aggravating factor to

- be considered in sentencing?
- (3) Was the suspended sentence and probation an appropriate disposition?
  - (4) What is an appropriate disposition?

**Result:** Leave to appeal granted.

Possession of the weapons was an aggravating factor and their presence in close proximity to the offender was sufficient to trigger the section in the **CDSA** as it relates to the possession of weapons.

The suspended sentence and a period of probation was not an appropriate sentence. A sentence of two years in prison held to be an appropriate sentence, but in view of the circumstances of this case, where a substantial part of the sentence has already been served, it is appropriate that the sentence imposed by this Court be stayed.

*This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 20 pages.*