

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Jones*, 2008 NSCA 99

Date: 20081022

Docket: CAC 286990

Registry: Halifax

Between:

Robert Paul Jones

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: September 12, 2008

Subject: Sentencing, Parity, Totality, Reasonable Apprehension of Bias.

Summary: The appellant received a higher sentence than another person involved in the same drug conspiracy and trafficking business. His total sentence for drug conspiracy, trafficking, living off the avails of prostitution and assault was ten years. The sentencing judge heard a bail application for a third person involved with the drug conspiracy one and one-half years prior to the appellant's sentencing.

Issue: Did the judge err in applying the sentencing principles of parity and totality? Did his conduct in sentencing the appellant after conducting the bail application of another person involved in the drug conspiracy give rise to a reasonable apprehension of bias?

Result: Appeal dismissed. The difference in sentence length is rationally explicable by the differences in their criminal records and the other person's sentence was the result of a joint recommendation. The judge's decision clearly indicated he considered the principle of totality. The mere fact a judge heard a related matter is not sufficient to disqualify him. There was nothing but speculation that the sentencing judge's involvement in the prior bail application would have any effect on his impartiality.

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 10 pages.