

**CASE NO.****VOL. NO.****PAGE**

**QUOC DUNG TRAN**  
(Appellant)

- and -

**HER MAJESTY THE QUEEN**  
(Respondent)

**CAC154193**

Halifax, N.S.

**Saunders, J.A.**

[Cite as: *R. v. Tran*, 2000 NSCA 128]

**APPEAL HEARD:**

September 14, 2000

**JUDGMENT DELIVERED:**

November 10, 2000

**SUBJECT:**

**Criminal law - conspiracy - elements of the offence  
Sentence - fitness of sentence - offences against administration  
of justice**

**SUMMARY:**

The accused was convicted of conspiring to commit murder. The case for the Crown was that while the accused was awaiting trial on a charge of murdering S, he conspired with two others to murder an alleged eye witness to the murder on which he was awaiting trial. The accused was convicted of conspiracy to commit murder and was sentenced to seven and one-half years' imprisonment. He appealed both conviction and sentence.

**ISSUES:**

1. Did the judge err in finding that the Crown evidence established a conspiracy to commit murder and that the appellant was a member of the conspiracy?
2. Was the sentence unfit?

**RESULT:**

Appeal from conviction and from sentence dismissed. The judge's findings of fact were reasonably supported on the evidence and those facts established all of the elements of the alleged conspiracy. The sentence was clearly not excessive. The appellant's criminal conduct struck at the very foundation of the administration of justice and his actions demand strict denunciation and very serious penal consequences.

**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 18 pages.**