

NOVA SCOTIA COURT OF APPEAL
Cite as: R. v. Brewer, 1997 NSCA 95

Freeman, Hart and Bateman, JJ.A.

BETWEEN:

DARRYL JAMES BREWER

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

)
) Darryl James Brewer
) appeared in person

)
) Kenneth W.F. Fiske, Q.C.
) Jean M. Whalen
) for the Respondent

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) Appeal Heard:
) March 25, 1997

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) Judgment Delivered:
) April 14, 1997

THE COURT: Leave to appeal is granted but the appeal is dismissed per reasons for judgment of Freeman, J.A.; Hart and Bateman, JJ.A. concurring.

FREEMAN, J.A.:

The appellant, 28, was apprehended after robbing two stores and a taxi-driver for money to buy crack cocaine; on his release from custody awaiting trial he

robbed another taxi driver for the same purpose. By word and gesture he informed his victims he was armed, although he appears not to have been.

He has applied for leave to appeal sentences totalling six years for the four robberies and a charge of driving one of the taxis while disqualified on grounds that the sentences are excessive.

The sentencing judge took certain mitigating factors into account and in my view the sentences are lenient. This court's benchmark sentence for a robbery in this category is three years. Applying the totality principle to four such robberies, six years is neither "manifestly excessive" nor "clearly unreasonable"--see **R. v. Shropshire** (1996), 188 N.R. 284 (S.C.C.). The appellant has failed to provide a basis on which his sentences could be considered to be unfit. Leave to appeal is granted but the appeal is dismissed.

Freeman, J.A.

Concurred in:

Hart, J.A.

Bateman, J.A.

C.A.C. No.134065

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R E A S O N S
FOR

HER MAJESTY THE QUEEN

JUDGMENT BY:

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FREEMAN,
J.A.

Respondent

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