

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** R. v. Miller, 2009 NSCA 129

**Date:** 20091215

**Docket:** CAC 312318

**Registry:** Halifax

**Between:**

Lyndon Bradley Luke Miller

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Fichaud

**Appeal Heard:** December 4, 2009

**Subject:** Sentencing

**Summary:** Mr. Miller was sentenced to five years imprisonment for robbery. He asked that his prison term be reduced.

**Issue:** Did the sentencing judge err by failing to consider that Mr. Miller abandoned the robbery or by misapplying the parity principle respecting the sentence of the co-accused?

**Result:** Mr. Miller did not abandon the robbery. The sentencing judge made no error in that respect. The sentencing judge said he was applying the parity principle respecting the sentence given to the co-accused. But the judge apparently overstated the co-accused's sentence (before credit for remand). So the Court of Appeal allowed the appeal and reduced Mr. Miller's sentence by 11 months.

**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 9 pages.**