

Date: 19971007

Docket: C.A.C. 140014

NOVA SCOTIA COURT OF APPEAL

Cite as: R. v. Glazier, 1997 NSCA 176

Clarke, C.J.N.S.; Jones and Bateman, JJ.A.

BETWEEN:

GEORGE PRESTON SHAWN GLAZIER)	The Appellant in Person
(GLAZER))	
)	
Appellant)	
- and -)	
)	Robert E. Lutes, Q.C.
)	for the Respondent
HER MAJESTY THE QUEEN)	
)	
Respondent)	Appeal Heard:
)	October 7, 1997
)	
)	Judgment Delivered:
)	October 7, 1997
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THE COURT: Appeal dismissed from a sentence of eight months followed by two years probation for an offence contrary to s. 362(1)(a) of the **Criminal Code**, per oral reasons for judgment of Clarke, C.J.N.S.; Jones and Bateman, JJ.A. concurring.

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

GEORGE PRESTON SHAWN GLAZIER)
(GLAZER))

Appellant)

- and -)

HER MAJESTY THE QUEEN)

Respondent)

REASONS FOR
JUDGMENT BY:

CLARKE, C.J.N.S.
(ORALLY)

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The reasons for judgment of the Court were delivered orally by:

CLARKE, C.J.N.S.:

On April 8, 1997, the appellant, then 28 years old, pled guilty to an offence contrary to s. 362(1)(a) of the **Criminal Code**. It was that by false pretense with intent to defraud Dartmouth Dodge Chrysler Incorporated (1991), he obtained a 1996 Dodge van of a value exceeding \$5,000.

Upon signing a lease, he gave Dartmouth Dodge a cheque for \$5,066.64, being the down payment, and took delivery of the vehicle. The cheque was drawn on a bank account which was closed. He attempted to cover the cheque by making a deposit at an automatic banking machine using a worthless piece of paper. The van was eventually returned to the dealer.

At trial, he was represented by counsel. The offence carries a maximum penalty of ten years imprisonment. On July 10, 1997, he was sentenced to eight months imprisonment to be followed by two years probation. He had a record of 12 prior offences.

Mr. Glazier seeks leave to appeal and, if granted, appeals from the sentence imposed by Judge R.B. Kimball.

He appeared on his own behalf this morning to speak to his grounds of appeal which are,

1. The presentence report was misleading.
2. His counsel was informed about the presentence report which she did not bring to the attention of the Court.
3. The judge was misinformed on how the guilty plea was entered.
4. His counsel did not represent him to the best of her ability.

Upon a review of the record before Judge Kimball and after hearing the submissions of both the appellant and counsel of the Crown, we are unable to conclude that there is any substance to the grounds advanced by Mr. Glazier that would amount to a reviewable error in law. The judge considered the presentence report. He was aware of certain errors in the report and of the information which corrected them. The

record reveals that at the time of sentencing his counsel made favourable and fair submissions to the Court on his behalf. The judge was aware that Mr. Glazier first pled not guilty and later entered a guilty plea.

We are not satisfied that the judge erred in law or that in the circumstances he imposed a sentence which was manifestly excessive.

While leave to appeal is granted, the appeal is dismissed.

C.J.N.S.

Concurred in:

Jones, J.A.

Bateman, J.A.