

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. Wright,, 2010 NSCA 30

Date: 20100413

Docket: CAC 313891

Registry: Halifax

Between:

Corey Kerron Wright

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: April 8, 2010

Subject: Joint Sentencing Submission

Summary: Counsel for both parties met with the judge to discuss a joint sentencing submission. Counsel understood that the judge found the submission to be an acceptable resolution. At sentencing the judge departed from the submission in two respects: He did not give the agreed remand credit and he ordered, pursuant to s.743.6 of the **Criminal Code**, that the offender serve one half of his sentence before being eligible for parole. In neither case did he give counsel notice of his intention to depart or provide them with an opportunity to make further submissions in support of the recommendation.

Issues: Did the judge err in jumping the joint submission?

Result: Appeal allowed and sentence altered to accord with the joint submission. The judge erred in failing to follow the appropriate procedure, both that which applies to a departure from a joint recommendation (See **R. v. MacIvor** 2003 NSCA 60; [2003] N.S.J. No. 188 (Q.L.) and **R. v. G.P.** 2004 NSCA 154; [2004] N.S.J. No. 496 (Q.L.)) and the principle of fairness to the offender where delayed

parole is to be ordered, as discussed by LeBel J. in **R. v. Zinck**, 2003 SCC 6.

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 6 pages.