

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. Adams*, 2010 NSCA 42

**Date:** 20100513

**Docket:** CAC 313056

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

Peter Frederick Adams

Respondent

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**Judge:** The Honourable Justice Nancy Bateman

**Appeal Heard:** April 1, 2010

**Subject:** **Crown appeal from sentence for break, enter and theft;  
possession of stolen goods and counselling perjury.**

**Summary:** After many days of trial, the offender, a businessman with a high income, pleaded guilty to two counts of break, enter and theft; one count of counselling perjury; and eight counts of possession of stolen property. The value of the goods involved totalled about \$690,000. The goods possessed could be tracked to thefts taking place over about a three year period. The offender was sentenced to 42 months incarceration plus finds of \$82,000 and community service and probation. After 2/1 remand credit he would serve an additional 7 months incarceration. The Crown appealed alleging the sentence manifestly unfit.

**Issue:** Was the sentence within the range taking into account the circumstances of the offences, those of the offender and the principle of totality?

**Result:** Appeal allowed. Sentence manifestly unfit. Sentence, larger fines and community service vacated. Global sentence of 96 months before remand credit imposed effective the date of original sentencing. Re-incarceration of offender unavoidable in view of the need to denounce and deter such crimes. The application of totality discussed in some detail.

**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 32 pages.**