

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. Naugle, 2011 NSCA 33

Date: 20110401

Docket: CAC 325168

Registry: Halifax

Between:

Terrance Naugle

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Justice Duncan R. Beveridge

Appeal Heard: January 26, 2011

Subject: Criminal Law: Sentencing

Summary: The appellant had amassed a criminal record of 68 convictions. Twenty-two were for drinking and driving related offences and fourteen for driving while prohibited. Less than a month after being released from serving federal incarceration for related offences he drove while highly intoxicated, striking a parked but occupied car, and fled the scene in the hopes of escaping criminal or civil liability. He was sentenced to the maximum of five years for driving while impaired and also received consecutive sentences of three years for driving while prohibited and six months for leaving the scene for a total of 8½ years. He appealed, complaining that his sentence was contrary to legal principle as being beyond the maximum period of incarceration for the core offence of driving while impaired, and was otherwise an unfit sentence as being manifestly excessive.

Issue: Did the trial judge commit an error in principle in selecting the nature and length of the sentences, and was the sentence manifestly excessive?

Result:

The imposition of the maximum sentence on the impaired driving offence was appropriate. The trial judge committed no error in principle in ordering consecutive sentences for driving while prohibited and leaving the scene of the accident. The overall length of sentence was not manifestly excessive in light of the circumstances of the offence and of this particular offender.

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 18 pages.