

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Bernard*, 2011 NSCA 53

Date: 20110609

Docket: CAC 329696

Registry: Halifax

Between:

Andrew Bernard

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Mr. Justice Jamie W.S. Saunders

Appeal Heard: February 11, 2011

Subject: **Methodology of Sentencing for Consecutive Sentences. Principles of “Totality”, “Jump”, “Step” and “Gap”. Drunk Driving. Fitness of Sentence. Aggravating Factors. Error in Principle. Deference. The “Coke Principle”.**

Summary: The Crown conceded that the trial judge erred in the methodology applied when imposing a sentence for a series of drunk driving related offences. The issue on appeal was whether the sentences should be reduced, on account of the error.

Held: If the sentencing judge commits an error in principle, the sentence imposed is no longer entitled to deference. An appellate court will then impose the sentence it thinks fit. Extensive review of the principles of sentencing including “totality”, “jump”, “step” and “gap”

After considering the several aggravating features of the case, the Court imposed incremental, consecutive sentences for the five offences to which the appellant had pleaded guilty.

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 20 pages.