

NOVA SCOTIA COURT OF APPEAL

Citation: R. v. Calder, 2012 NSCA 3

Date: 20120111

Docket: CAC 347492

Registry: Halifax

Between:

Anne Calder

Appellant

v.

Her Majesty the Queen

Respondent

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: November 10, 2011

Subject: Criminal law; Trafficking of illegal drugs to inmate client by a lawyer into a prison; Possession for the Purpose of Trafficking.

Summary: The appellant, a criminal defence lawyer, smuggled a Schedule I drug, hydromorphone, in a “prison pack”, to her inmate client in the interview room at the prison. Two additional prison packs were seized from her home/law office the next day. One contained hydromorphone and the other marihuana, a Schedule II drug. She was convicted of trafficking and possession for the purpose of trafficking x 2. She was sentenced to 30 months incarceration for trafficking, 30 months concurrent for possession for the purpose of trafficking hydromorphone and three months concurrent for possession for the purpose of trafficking marihuana.

Issue: Did the judge misapprehend the evidence, err in finding she “possessed” the “prison packs” seized from her office or was the sentence demonstrably unfit?

Result:

Appeal dismissed. Any evidence misapprehended by the judge was not substantial or material and did not affect his reasoning in reaching his verdict. He did not err in finding she “possessed” the “prison packs” seized from her office or order an unfit sentence.

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 17 pages.