

S.C.C. No. 02580

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Clarke, C.J.N.S., Matthews and Chipman, JJ.A.

BETWEEN:

NEIL JUSTIN MUNROE)	Colin M. Campbell
)	for the appellant
Appellant)	
)	Gordon S. Gale, Q.C.
- and -)	for the respondent
)	
HER MAJESTY THE QUEEN)	Appeal Heard:
)	January 28, 1992
)	
Respondent)	Judgment Delivered:
)	January 28, 1992
)	

THE COURT: Leave to appeal permitted and the
appeal dismissed per oral reasons for
judgment of Matthews, J.A.; Clarke,
C.J.N.S. and Chipman, J.A. concurring.

The reasons for judgment were delivered orally by:

MATTHEWS, J.A.:

On May 2, 1991, the appellant pled guilty to a charge of having in his possession cigarettes, the property of Sobey's Stores, of a value exceeding \$1,000.00 knowing that they were obtained by the commission in Canada of an offence punishable by indictment, contrary to s. 355(a) of the **Criminal Code**.

He now appeals from this sentence imposed on August 22, 1991, by the Honourable Judge Felix A. Cacchione, of 30 months incarceration.

At time of sentencing the appellant was 30 years old, had grade 11 education and was separated from his wife. His pre-sentence report contains more bad than good. He has an extensive, abysmal, criminal record: 26 offences between 1980 and 1991 including the fact that there was at the time of this offence a warrant for his arrest from Ontario for parole violation. As the trial judge said, in the 11 year period from 1980 to 1991 the appellant has continually involved himself in criminal activity.

The trial judge considered the principles of sentencing. He considered the requirement in a

case such as this for general deterrence and that "there is a very strong need in this particular case to deter you personally and to bring home to you that conscious acts on your part of violation of the criminal law will bring stiff sanctions". We agree. This sentence in all of the circumstances is not manifestly excessive.

While we permit leave to appeal we dismiss the appeal.

Concurred in:

Clarke, C.J.N.S.

Chipman, J.A.

Kenneth J. Macleod
J.A.
H.C.C.
D.R.C.

CANADA

PROVINCE OF NOVA SCOTIA

C. R. 11932

COUNTY OF HALIFAX

IN THE SUPREME COURT OF NOVA SCOTIA
APPEAL DIVISION
on appeal from the
COUNTY COURT OF DISTRICT NUMBER ONE

BETWEEN:

HER MAJESTY THE QUEEN

versus

NEIL JUSTIN MUNROE

HEARD BEFORE: The Honourable Judge F. A. Cacchione

PLACE HEARD: Halifax, Nova Scotia

DATE HEARD: 23rd day of August, 1991

COUNSEL:

Craig Botterill, Esq., for the Prosecution

C. Campbell, Esq., for the Defence

A P P E A L O N S E N T E N C E