

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Howell*, 2013 NSCA 67

Date: 20130528

Docket: CAC 400319

Registry: Halifax

Between:

Her Majesty the Queen

Appellant

v.

William Frederick Howell

Respondent

Judges: Beveridge, Farrar and Bryson, JJ.A.

Appeal Heard: March 27, 2013, in Halifax, Nova Scotia

Subject: **Criminal law: sentencing**

Summary: The respondent was found guilty of possession of cocaine for the purpose of trafficking. There was no disagreement that the respondent was a petty retailer, selling small quantities to support his addiction. The trial judge decided that there were exceptional circumstances and sentenced the respondent to imprisonment of two years less a day, to be served by way of a conditional sentence order.

Issues: Did the trial judge err in principle or by imposing an unfit sentence.

Result: The trial judge was aware of the relevant principles of sentence. She fully considered the circumstances of the offence and of the offender. There was no identifiable error in principle in her decision that an appropriate sentence was a conditional sentence of two years less a day. The sentence imposed is not tainted by any legal error, nor is it demonstrably unfit. Leave to appeal granted, but the appeal dismissed.

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 6 pages.