

CASE NO.**VOL. NO.****PAGE**

WALTER LARRY PETER PARSONS

HER MAJESTY THE QUEEN

- and -

(Appellant)

(Respondent)

CAC 156846

Halifax, N.S.

FLINN, J.A.

[Cite as: R. v. Parsons, 1999 NSCA 156]**APPEAL HEARD:**November 30th, 1999**JUDGMENT DELIVERED:**December 13th, 1999**SUBJECT:****Controlled Drugs and Substances Act, S.C. 1996, c. 19 -
Trafficking s. 5(1) - sentence - conditional sentence - aggravating
factor****SUMMARY:**

The appellant pled guilty to one count of trafficking in marihuana contrary to s. 5(1) of the **Controlled Drugs and substances Act**, and to one count of possession, contrary to s. 4(1). The appellant was a 20 year old student with no prior record. The circumstances of the trafficking offence resemble more a young user sharing marihuana with a companion than cases involving retailers (large or petty). The trial judge sentenced the appellant to a fine for the possession offence, which is not under appeal. For the trafficking offence, the trial judge sentenced the appellant to “a period of 12 months conditional sentence.”

RESULT:

Appeal allowed and sentence varied.

It is an error in principle for the trial judge to have ordered a conditional sentence in this case without first having determined that a term of imprisonment of less than two years was an appropriate sentence, and without having imposed such a sentence. That being the case, the Court of Appeal imposed the sentence it thought fit.

The appellant was sentenced to six months imprisonment, to be served in the community; subject to the same conditions as imposed by the trial judge, which sentence the appellant has now served.

This information sheet does not form part of the court’s decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 10 pages.