

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Hatt*, 2017 NSCA 36

Date: 20170509

Docket: CAC 457828

Registry: Halifax

Between:

Richard Edward Hatt

Appellant

v.

Her Majesty the Queen

Respondent

Judge:

The Honourable Justice Peter M. S. Bryson

Appeal Heard:

March 24, 2017, in Halifax, Nova Scotia

Subject:

Criminal law. Sentencing, s. 719 *Criminal Code*. Credit for remand.

Summary:

Mr. Hatt pleaded guilty to nine separate offences. He was on remand for two offences. His remand time exceeded what the Crown would ask by way of sentence on those two charges, so Mr. Hatt sought credit for remand against all nine. The Provincial Court refused. Mr. Hatt appealed.

Issues:

Did the judge err when deciding that she could only credit remand time for the two offences for which Mr. Hatt was remanded?

Result:

Appeal dismissed. Section 719(3) of the *Criminal Code* allows the Court to credit an offender for remand time “as a result” of the offence(s) for which he is being sentenced. While there may be circumstances in which a court may take into account remand on otherwise unrelated charges, that was not so in this case. Mr. Hatt was remanded on only two of nine charges. He may have agreed to remand on two of the nine because of the other charges, but the judge did not err in law by finding that he was not incarcerated “as a result” of those other charges.

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 10 pages.