

NOVA SCOTIA COURT OF APPEAL

Cite as: **R. v. Fraser, 1995 NSCA 196**
Hallett, Roscoe and Flinn, J.J.A.

BETWEEN:

WILLIAM FRANCIS FRASER)	Appellant did not appear
)	
Appellant)	
)	
- and -)	
)	
)	Dana Giovannetti
)	for the Respondent
HER MAJESTY THE QUEEN)	
)	
)	
Respondent)	Appeal Heard:
)	October 3, 1995
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)	Judgment Delivered:
)	October 3, 1995
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THE COURT: Leave to appeal refused per oral reasons for judgment of Hallett, J.A.;
Roscoe and Flinn, J.J.A. concurring

The reasons for judgment of the Court were delivered orally by:

HALLETT, J.A.:

The appellant pleaded guilty to two robberies which he committed on December 10th, 1994. His counsel and the Crown made a joint submission to the sentencing judge for two years on each charge. The learned sentencing judge imposed three years for each robbery to be served consecutively for a total of six years.

The appellant is 28 years of age with an extensive record, including a previous robbery with violence in 1989. The learned sentencing judge applied the correct principles of sentencing. He was not bound to adopt the joint submission of counsel (**R. v. Machek** (1995), 136 N.S.R. (2d) 203).

Given the appellant's record, the sentence of six years is not excessive. If anything it is on the lenient side. The fact that he was under the influence of cocaine at the time the offences were committed is not a mitigating factor (**R. v. Emmerson** (1993), 123 N.S.R. (2d) 252).

The sentences imposed are fit. Leave to appeal is refused.

Hallett, J.A.

Concurred in:

Roscoe, J.A.

Flinn, J.A.

