

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Sweet*, 2007 NSCA 31

Date: 20070321

Docket: CAC 275198

Registry: Halifax

Between:

Peter Allen Sweet

Appellant

v.

Her Majesty the Queen

Respondent

Judge:

The Honourable Chief Justice MacDonald

Appeal Heard:

February 9, 2007

Subject:

Criminal Law, Sentencing, Standard of Review, Fitness of Sentence

Summary:

The appellant was sentenced to the equivalent of twelve months incarceration, followed by two years probation, for assaulting his wife, carelessly using a firearm and, on an earlier occasion, threatening her life. He presents only one issue on appeal; namely, that the sentencing judge erred by ordering him to serve this sentence in jail as opposed to in the community.

The appellant asserts that the sentencing judge misapprehended the facts as presented by counsel, thereby prompting her to view the incidents as being more serious than they actually were. This he says constitutes an error in legal principle. In any event, he submits that the sentence was clearly excessive.

Issue: The fitness of the sentence.

Result: Appeal dismissed. While the judge did misapprehend some of the evidence, the sentence was not clearly excessive.

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 8 pages.