

PROVINCIAL COURT OF NOVA SCOTIA

Citation: *R. v. Currie*, 2012 NSPC 131

Date: 2012-12-05

Docket: 2517003, 2534643, 2534640

Registry: Pictou

Between:

Her Majesty the Queen

v.

Vincent William Currie

SENTENCING DECISION

Judge: The Honourable Judge Del W. Atwood

Heard: 5 December 2012, in Pictou, Nova Scotia

Charge: Sub-s. 5(2) of the Controlled Drugs and Substances Act
Section 733.1 of the Criminal Code

Counsel: Bronwyn Duffy for the Public Prosecution Service of Canada
Herman Felderhof for the Nova Scotia Public Prosecution
Service
Douglas Lloy, for Vincent William Currie

By the Court:

[1] The court has for sentencing Vincent William Currie. Mr. Currie elected trial in this court and entered guilty pleas to two counts of possession for the purpose of trafficking under sub-s. 5(2) of the *Controlled Drugs and Substances Act*, and one count of breach of probation under the *Criminal Code*. All of the matters before the court are indictable; the breach charge is within the absolute jurisdiction of this court. One of the *CDSA* counts involved a significant quantity of codeine; the other count involved a smaller quantity of MDPV, known commonly as bath salts, but in circumstances that show clearly that Mr. Currie was involved in a trafficking operation.

[2] These sorts of drug offences are of great concern to the court, particularly because of the prevalence of MDPV abuse in this county. Pictou County has experienced a plague of bath-salts abuse. It is a drug used typically by younger persons. The court never has to wonder when someone coming off a bath-salts score is in custody, because the commotion can be heard emanating from the cell area throughout the court room. Abuse of this drug results in dangerous loss of inhibition, risk-taking behaviour; the public are endangered and property is endangered by the presence of this drug in the community.

[3] Applying the principles of sentencing set out by the Court of Appeal in *R. v. Fifield*¹, the court would classify Mr. Currie as a petty retailer. Based on the outcome in *R. v. MacLean*², an LSD possession-for-the-purpose case, also out of the Court of Appeal, a sentence in the range of one year and up for each CDSA count would be supportable.

[4] There is before the court a very reasonable joint submission for a total sentence of two years plus one day. It has been negotiated by experienced counsel, whose judgment the court relies upon implicitly. The submissions made by the federal prosecutor explain fully the rationale behind the joint submission; this was particularly helpful, as it assures the court that the administration of justice is served properly by the imposition of the joint submission.

[5] The sentence of the court will be as follows:

[6] For the first sub-s. 5(2) count, case number 2517003, there will be a jail sentence of one year.

[7] For the sub-s. 5(2) offence from earlier this month, case number 2534643, there will be a sentence of one year, to be served consecutively. There will be a

¹ [1978] N.S.J. No. 42 at para. 10.

² [1988] N.S.J. No. 29.

secondary-designated offence DNA collection order on that count, as well. There will also be a 10 year plus two year s. 109 prohibition in relation to any firearm, other than a prohibited firearm, and any cross-bow, restricted weapon, ammunition and explosive substance; in relation to any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition, the order is for life.

[8] In relation to the breach of probation charge, case number 2534640, the sentence of the court is a jail term of one day to be served consecutively.

[9] This results in a total sentence of two years plus one day. The court declines to order victim-surcharge amounts as they would work an undue hardship.

JPC