

**PROVINCIAL COURT OF NOVA SCOTIA**

**Citation: R. v. Lloyd, 2011 NSPC 45**

**Date:** July 27, 2011

**Docket:** 1851573, 1851575, 1851576  
2327884, 2327885, 2327886, 2331190,  
2331191, 2331192, 2331193, 2331194,  
2331195, 2331833

**Registry:** Pictou

**Between:**

Her Majesty the Queen

v.

Riley Michael Christopher Lloyd

**Judge:** The Honourable Judge Del Atwood

**Heard:** July 27, 2011, in Pictou, Nova Scotia

**Charges:** Section 348(1)(b), 355(b) CC and Section 137 YCJA -  
Breach of Conditional Sentence Order

Section 5(2) CDSA x 3  
Section 95(2)(a) CC x 3  
Section 96(2)(a) CC x2  
Section 117.01(3)(a) CC  
Section 88(1) CC

**By the Court:**

[1] The Court has for sentencing Riley Michael Christopher Lloyd . The federal Crown and the provincial Crown proceeded indictably in relation to all matters. Mr. Lloyd elected trial in this court and has entered a number of guilty pleas. The exception would be in relation to the 5(2), trafficking not in excess of three kilograms of cannabis marihuana, that is case number 2327885. That is a matter within the absolute jurisdiction of this court; however, all other matters proceeded indictably with elections to this court. Guilty pleas were entered and the court is satisfied that the necessary inquiries under Section 606(1.1) were made by Mr. Newton and the court is recording convictions in relation to all charges with respect to which guilty pleas were entered.

[2] There is an authentic joint submission before the court as comprehended in the decision out of our Court of Appeal in *R. v. Knockwood* 2009 NSCA 98, appellate authority which is binding on this court which makes it very clear that I am required to exercise considerable deference to joint submissions that have been freely and fairly negotiated between counsel. As indicated, I am satisfied, based on the submissions

of counsel here today, that the joint submission is, indeed, an authentic *quid pro quo* and the court intends to impose a sentence based on the joint submission that has been negotiated by the parties. The end result will be a significant federal sentence. The court is of the view that this is fit and proper given the high level of risk to the public arising from the possession of dangerous drugs for the purpose of trafficking accompanied by the use of prohibited and restricted firearms.

[3] These are offences that, in the court's experience, are found typically in metropolitan areas of Canada. However, it is clear now, from this case, that dangerous drugs and dangerous altered firearms pose a risk to all areas of Canada, including rural communities such as Pictou County.

[4] The court recognizes its limited role in imposing sentences. It's not for the court to wage war on drugs. It is the court's role to impose fit and proper sentences as prescribed by the *Code* and as guided by appellate authority. And I am satisfied that appellate authority instructs me that the joint submission is, indeed, well within the range.

[5] Therefore, in relation to the conditional sentence order, which is

order #1164901, the decision of the court shall be that the conditional sentence be collapsed pursuant to para. 742.6(9)(d) and that Mr. Lloyd be committed to custody until the expiration of that sentence which, I understand, has an unexpired portion of 148 days.

[6] In relation to the *Criminal Code* and *CDSA* charges before the court, the court is satisfied in relation to cases # 2331833, 2331190 through to 195, and 2327884 to 886, essentially all of the cases, each and every one of those charges requires a mandatory prohibition order; therefore, the court in accordance with the provisions of Section 109 of the *Criminal Code* will order that Mr. Lloyd be prohibited from possessing any firearm, other than a prohibited firearm or restricted firearm and any cross-bow, restricted weapon, ammunition and explosive substance for a period that commencing today's date and runs for life. In addition, the court orders that Mr. Lloyd be prohibited from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life.

[7] The court, in addition, will order a DNA-collection order which is a secondary-designated-offence collection order in relation to case number

2327884 which is the possession for the purpose of trafficking cocaine.

[8] In relation to all of the cases before the court, the court will order forfeiture of all contraband including the seized firearms and ammunition and seized controlled substances and any related paraphernalia and the court will sign off on forfeiture orders that have been consented to as to form by Mr. Newton.

[9] The court is satisfied that the imposition of victim surcharge amounts, given the totality of the sentence that the court will be imposing here today, would work an undue hardship on Mr. Lloyd; therefore, the court declines to impose any victim surcharge amounts.

[10] In relation to the *Criminal Code* charges and *CDSA* charges, the sentence of the court will be as follows:

- In relation to the 5(2) matter, possession of cocaine for the purpose of trafficking, case number 2327884, the sentence of the court will be two (2) years consecutive to time being served, and that would obviously be two years consecutive to the collapsed conditional sentence order.
- In relation to the 5(2) matter, possession for the purpose of trafficking

cannabis marihuana, case #2327885, the sentence of the court will be six (6) months concurrent to other time being served;

- In relation to the 5(2) matter, possession for the purpose of trafficking in ecstasy, case #2327886, the sentence of the court will be one (1) year concurrent to other time being served. And that concludes Information #634793.

- In relation to Information #635381 in relation to count #9 on that information, which is case #233190, possession of a loaded restricted firearm, the sentence of the court will be three (3) years consecutive to all other time being served.

- In relation to case #2331191, 95(2)(a), possession of a prohibited firearm with readily accessible ammunition, the sentence of the court will be three (3) years concurrent.

- In relation to case #2331192, which is possession of a prohibited firearm with readily accessible ammunition, the sentence of the court will be three (3) years concurrent.

- In relation to case #2331193, which is possession of the 22-calibre rifle, knowing that it was obtained by the commission in Canada of an offence, the sentence of the court will be one (1) year concurrent.

- In relation to case #2331194, possession of the Mosberg 20-gauge,

knowing that it was obtained by the commission in Canada of an offence, the sentence of the court will be one (1) year concurrent.

- In relation to case #2331195, which is the 117.01 charge, the sentence of the court will be one (1) year concurrent.

- And finally in relation ... and I just note, Mrs. Cunningham, that the case number doesn't appear to be in sequence with the other case numbers, but it's case #2331833, which is the possession of the mini bat with nails, the sentence of the court will be one (1) year concurrent.

- And as the court calculates that, that would be the 148 days for the collapse of the conditional sentence order plus a further term of five (5) years consecutive for the array of *CDSA* and *Criminal Code* weapons matters. There is no credit for time served because the conditional sentence order started running again under 742.6(12) after Mr. Lloyd got brought into court and was remanded.

[11] Anything further for Mr. Lloyd, counsel?

[12] **Ms. Duffy**: No, thank you, Your Honour.

[13] **Mr. Gorman**: No, Your Honour.

[14] **Mr. Newton**: No, Your Honour.

[15] **The Court**: Thank you very much, Mr. Lloyd. I'll have you accompany the sheriffs, please, sir. Thank you.