

PROVINCIAL COURT OF NOVA SCOTIA

Citation: *R. v. Smith*, 2013 NSPC 106

Date: 20131114

Docket: 2657793, 2665485, 2665486
2667184, 2667185, 2667186

Registry: Pictou

Between:

Her Majesty the Queen

v.

Stephen McKeen Smith

Judge: The Honourable Judge Del W. Atwood

Heard: 14 November 2013 in Pictou, Nova Scotia

Charges: 733.1(1)CC, 175(1)(iii)CC, 733.1CC, 145(3)(a)CC,
145(3)(a)CC, 145(3)(a)CC, 733.1CC

Counsel: Jody McNeill, for the Nova Scotia Public
Prosecution Service
Mr. Doug Lloy, Nova Scotia Legal Aid, for Stephen
McKeen Smith

By the Court:

[1] The Court has for sentencing Mr. Stephen McKeen Smith. The facts are before the Court. Mr. Smith is a serial probation and undertaking violator who stakes out banking machines and engages in aggressive panhandling. There is a two-year-bare-federal-term joint submission before the Court. Pursuant to *R. v. MacIvor*, 2003 NSCA 60, the Court intends to go along with the joint submission. It certainly is within the range of sentences imposed in this Court in cases such as *R. v. Pilgrim*, 2013 NSPC 60 and *R. v. Dean*, 2011 NSPC 40 .

[2] The sentence of the Court will be as follows:

Case #2657793, 6 months imprisonment. That is a breach of probation charge, indictable, absolute jurisdiction.

Case #2665485, the 175 cause a disturbance, summary offence, three (3) months consecutive;

Case #2665486, breach of probation, prosecuted summarily, three (3) months consecutive;

Case #2667184, the 145 offence, prosecuted by indictment, six (6) months consecutive;

Case #2667185, the second count of section 145, prosecuted indictably, six (6) months, but concurrent;

And finally, case #2667186, breach of probation charge, indictable within the absolute jurisdiction of the Court, six (6) months consecutive, for a total sentence of 24 months imprisonment, which is a bare federal sentence.

[3] There will be no period of probation and I would ask that the warrant of committal be endorsed to recommend that Mr. Smith receive substance abuse counselling and treatment at the earliest opportunity once that is available. And there will be no victim surcharge amounts, as that is clearly beyond Mr. Smith's ability to pay.

[4] And I'll have you go with the Sheriffs, Mr. Smith. Thank you very much sir.

J.P.C.