

PROVINCIAL COURT OF NOVA SCOTIA

Citation: *R.v. Allen*, 2014 NSPC 34

Date: 2014-06-12

Docket: 2709680, 2725293, 2728003, 2728001,
2734022, 2734023, 2734024, 2734027,
2734036, 2730962, 2730963, 2740211, 2740212

Registry: Pictou

Between:

Her Majesty the Queen

v.

Jacob Alexander Allen

DECISION ON SENTENCING

Judge: The Honourable Judge Del Atwood

Heard: June 12, 2014 in Pictou, Nova Scotia

Decision: June 12, 2014

Charges: Section 733.1(1) *Criminal Code of Canada* x 3

Section 145(5) *Criminal Code of Canada*

Section 334(b)(i) *Criminal Code of Canada* x 3

Section 266 *Criminal Code of Canada* x 2

Section 733.1 *Criminal Code of Canada* x 4

Section 334 *Criminal Code of Canada*

Counsel: Patrick Young for the Nova Scotia Public Prosecution Service
Stephen Robertson for Jacob Alexander Allen

By the Court:

[1] The court has for sentencing Jacob Alexander Allen. Mr. Allen is before the court to be sentenced in relation to a total of thirteen charges running from March 2014 up until last week. Most of the offences involve property crimes and breaches of court orders. There are two counts of assault. The assaults are at the lower end of the scale of severity, although any crime of violence is obviously going to be treated by the court as being serious.

[2] Mr. Allen is a young male, 22 years of age, with a significant prior record. He would appear to be a person who, if he should be able to get his drinking addiction under control, would have a long life ahead of him; the hope of the court is that Mr. Allen will find his way one day to staying out of conflict with the law.

[3] I accept everything that you say, Mr. Allen. I was the judge who sentenced you back in 2010, 2011 and 2012. And when you tell me the things that you told me here today, I believe that you mean it. But the difficulty that you encounter is that, because of the fact that your addiction has such a strong hold on you, you lose track of your commitment to stay sober once you leave court. When you relapse, problems arise very quickly.

[4] The joint-recommendation before the court is a reasonable one. I don't believe that probation is warranted here. In fact, if I go along with the joint submission, probation would not be a permissible sentence.

[5] What the court is going to do in relation to all of the offences before the court with the exception of the last breach charge, which is 2740212, is to impose sentences two months of imprisonment on each charge. The first one: 2709680, which is the first breach from March 15th, that is the starting point sentence of two-months' imprisonment; then for all of the other case numbers after that, with the exception of 2740212, there's two months' imprisonment consecutive on each charge after that, again, with the exception of 2740212. On that last count: 2740212, there will be a sentence one (1) day consecutive for a total sentence of 24 months plus one day imprisonment.

[6] All of these offences occurred after the coming-into-force date of the victim surcharge amount amendments to Section 737 of the *Criminal Code*. There will be a \$100 victim surcharge amount in relation to each charge, and Mr. Allen will have four years to pay the victim surcharge amounts.

[7] Anything further in relation to Mr. Allen, counsel?

[8] **Mr. Robertson**: No, Your Honour.

[9] **The Court**: Thank you. So, Mr. Allen, I'll have you go with the sheriffs, please, sir. Thank you very much.

Atwood, JPC