

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. David, 2004 NSSC 241

Date: 20041124
Docket: CR 214306
Registry: Halifax

Between:

Her Majesty the Queen

vs.

Tony Cornell David

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Judge: The Honourable Justice Felix A. Cacchione

Heard: October 21st, 2004, in Halifax, Nova Scotia

Written Decision: November 24th, 2004

Subject: Sentencing - trafficking in crack cocaine

Summary: Accused brokered the sale of 50 grams of crack cocaine to a police agent for \$3,200.00. Accused was not a target of the investigation aimed at mid-level traffickers but his name was suggested to the police by their agent. On short notice the accused obtained the drug and passed it to the agent. Accused had prior unrelated record and committed an offence while on bail for the present offence.

Issue: Whether conditional sentence appropriate in the circumstances

Result: Accused sentenced to 30 months in a federal institution. The nature of the drug involved, its quantity and the commission of a further but unrelated offence while awaiting trial required that denunciation and deterrence be the paramount sentencing considerations. Normal range of sentences for this offence given the drug involved and its quantity is two to five years save for exceptional circumstances. No exceptional circumstances present in this case.

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QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***