

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Sparks, 2005NSSC175

**Date:** 20050622

**Docket:** CR 227830

**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

Jason Lamond Sparks

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DECISION

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**Judge:**

The Honourable Justice Gerald R. P. Moir

**Date Heard:**

22 June 2005

**Counsel:**

Mark J. Covan, for the Crown  
Kymberly Franklin, for the Defence

**Moir, J., (Orally):**

[1] It is my unfortunately obligation to impose a sentence upon Mr. Sparks. I have the advantage of a joint recommendation from counsel and I accept their joint recommendation.

[2] Like Ms. Franklin, I do not intend to dwell on the facts of the case in stating this decision. As Mr. Sparks will be doing federal time, this decision will have to be transcribed and I will record the main points of my thinking in addition to my acceptance of the joint recommendation.

[3] The circumstances of this case make it clear that Mr. Sparks was involved in a street-level retail operation that included powdered cocaine, P.C.P. and, from my own personal perspective far more seriously, crack cocaine in very small amounts. The amounts and the diversity of the drugs suggest to me that we are probably dealing with a very small retail operation but with a diversified clientele. Possession for the purposes of trafficking of cocaine in this province typically involves a sentence of federal time.

[4] There are very positive things to be said about Mr. Sparks. I have had him in my courtroom a number of times now and the impression from the Presentence Report is also the impression the Court takes of a very straight forward, honest person who is prepared to take responsibility for his foolish behaviour. He has very good, serious family supports, as Mr. Covan puts it, from one generation down to another and to another. He has lately been interested in advancing his position as regards both education and employment. Those are all very positive things. He has a criminal record, but it is not a criminal record that would lead me to impose a deterrent sentence. There are no drug offences. He has two assault convictions, one is recent and that is very concerning. But the other is somewhat dated. It is ten years old.

[5] So there are in general some very positive things to be said about Mr. Sparks and his position. The fact, though, is that he chose to become involved in the trafficking of powdered cocaine, crack cocaine and P.C.P.s and the sentence of federal time is the typical response to these kinds of offences.

[6] Therefore, I sentence you, Mr. Sparks to a period of 30 months incarceration on the charge of possession for the purposes of trafficking of cocaine and concurrently

the same period of time in respect to the charge of possession for the purposes of trafficking of P.C.P.

[7] [Mr. Covan] My Lord, just with respect to the 109 Order.

[8] [The Court] Oh, yes, I will grant the order. I take it you do not have a problem with that Ms. Franklin.

[9] [Ms. Franklin] No I don't, I did forget one comment though. Mr. Sparks has already served ten days.

[10] [The Court] Please sit down.

[11] [Ms. Franklin] I'm sorry, it completely slipped my mind and I just remembered. Mr. Sparks has already served ten days time while we were waiting for the bail hearing. If my friend does not have any objection, I would ask that this time be taken into consideration.

[12] [The Court] Mr. Covan what is the Crown's position?

[13] Mr. Covan That is fine My Lord.

[14] The Court Yes, I think it is. Instead of 30 months, it will be 29 months.

J.