

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Beals*, 2015 NSSC 129

Date: 2015-04-24

Docket: *Halifax*, No. CRH 433378

Registry: Halifax

Between:

Her Majesty the Queen

v.

Bradford Eugene Beals

Judge: The Honourable Justice Felix A. Cacchione

Heard: April 24, 2015, in Halifax, Nova Scotia

Counsel: Christopher Nicholson and Kimberley McOnie, for the Crown
Peter Planetta, for the Defendant Mr. Beals

By the Court (Orally):

COURT: Mr. Beals, is there anything you wish to say before I sentence you? You will have to speak up because I am getting pretty old and I cannot hear as well as I used to.

MR. BEALS: Yeah, I don't have nothing to say. Just sorry.

COURT: I am sorry, I cannot hear you sir.

MR. BEALS: I don't have too much to say. I'm just sorry.

COURT: Alright. Have a seat Mr. Beals

COURT'S DECISION:

[1] Mr. Beals was scheduled to stand trial in September on a charge of first degree murder and a charge of robbery. A *Voir Dire* with respect to the admissibility of a statement was to be held this past week. However, prior to the commencement of that, counsel, in a conference with me, indicated that there were negotiations underway. As a result, Mr. Beals has re-elected to trial by judge alone and entered a plea to the lesser and included offence of manslaughter with respect of the death of Mr. David William Rose.

[2] It, from what counsel have said, is a tragic situation for everyone concerned. Mr. Rose's family - apparently Mr. Rose was well liked in the house he lived in with other tenants and volunteered his services at a local church. Mr. Rose, from comments made by Mr. Planetta, was also a friend of Mr. Beals.

[3] Mr. Beals has had a rough life. Certainly with a Grade 4 education, that puts severe restrictions and limitations on a person's ability to work, but I take it that Mr. Beals' ingestion of alcohol and cocaine was not a first occurrence. So Mr. Beals has had some difficulties with substance abuse. I accept counsel's submissions that, had it not been for Mr. Beals' intoxication on the evening in question and his need to replenish his supply, he probably would not have encountered Mr. Rose and would not be before this Court to be sentenced on a serious offence.

[4] I accept as well that Mr. Beals is remorseful. His plea of guilty is an admission of his guilt. It also is an acceptance of responsibility for what occurred. Yes, he has saved the Court time, but more importantly he has saved Mr. Rose's family the agony of having to sit through a trial and listen to how a loved one met his or her demise.

[5] Mr. Beals has a record. I have reviewed the record. It has some offences of violence. Offences of break and enter, as well as multiple failures to comply with probation orders or release conditions. No doubt that some, if not many, of the occurrences on Mr. Beals' criminal record stem from (1) his limited education and (2), his difficulties with substance abuse.

[6] Counsel have been tireless in attempting to resolve this matter. It is heartening to hear that shortly after being arrested Mr. Beals, while he questioned, acknowledged what had occurred and put it in context. Certainly, I have experienced counsel, both for the Crown and defence. I am certain that Crown counsel in accepting a plea to the lesser and included offence of manslaughter were well aware of the issues of intoxication going to the intent to commit murder and provocation which would, if accepted, reduce murder to manslaughter.

[7] Mr. Beals has pled guilty to manslaughter. There is a joint recommendation before me for a period of 15 years with respect to that count. That sentence is within the range of sentences for similar offences, committed by offenders with similar circumstances. Certainly if Mr. Beals had not had a criminal record, that sentence might be lower. But certainly the presence of prior offences of violence and the length of the record put this in the range submitted by counsel.

[8] I am prepared to accept the joint recommendation for a period 15 years on the count of manslaughter. Mr. Beals has been in custody since March 11, 2014. Counsel have agreed that he should be credited for his time on remand on the basis of 1.5 days for every day on remand. I take it from that calculation that the sentence on a go forward basis would be 13 years, 4 months.

[9] Mr. Beals I am going to sentence you to a period of 15 years. I am also crediting you with the time that you have spent on remand. The total sentence will be 13 years, 4 months. If you do not cause any difficulties in the institution you will be eligible for parole. I trust that you will keep your nose clean while you are inside and try to get out as soon as possible so that you can have some time with your family. Mr. Beals, you've got to stay away from that bad medicine. You understand that now, don't you?

[10] There will also be an order prohibiting you from possessing any firearms, ammunition, cross-bow or explosives for the rest of your life. That is a mandatory order. And there will also be an order that you provide a sample of your DNA to the officers who will come to take that. That is part of this sentence as well.

MR. NICHOLSON: Not offering any evidence on the remaining count.

COURT: The second count. The count of robbery is dismissed for want of prosecution. That is count 2 on the indictment.

[11] The s.487.051 and s.109 orders are granted and they have been signed. Thank you counsel.

Cacchione, J.