

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. MacLean*, 2015 NSSC 146

Date: 2015-04-16

Docket: CRH No. 427000

Registry: Halifax

Between:

Her Majesty the Queen

v.

Kathy Denise MacLean

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Judge: The Honourable Justice Allan P. Boudreau

Heard: April 13 and 14, 2015, in Halifax, Nova Scotia

Written Decision: May 19, 2015
(*oral decision was rendered on April 16, 2015*)

Subject: Criminal Law - Breach of Trust - Prisons - Conditional Sentences

Summary: Ms. MacLean was employed as a nurse at the Central Nova Scotia Correctional Facility in Dartmouth, Nova Scotia for approximately a decade. In March of 2013 she was charged with several counts of trafficking a controlled substance and one count of breach of trust, which were alleged to have occurred between July 2012 and November 2012.

In January of 2015, she pled guilty to one count of providing steroids to an inmate at the Correctional Facility and one count

of breach of trust and she is now being sentenced on those two counts.

The Prosecution is seeking an 18 month total period of imprisonment and the Defence is seeking a 12 month sentence (conditional) to be served in the community.

Issue: Whether a Conditional Sentence is appropriate for criminal breach of trust by a registered nurse working in a prison.

Result: Sentenced to 18 months conditional to be served in the community; 1/3 house arrest; 1/3 10:00 p.m. to 6:00 a.m. curfew; and 1/3 under supervision, plus conditions under s.742.3 of the *Criminal Code*

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***