

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Best, 2005 NSSC 208

**Date:** 20050629

**Docket:** CRSK 236764

**Registry:** Kentville

**Between:**

Her Majesty The Queen

Plaintiff

v.

Adam Devon Best

Defendant

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Gregory M. Warner

**Heard:** At Kentville, N.S., on May 2, 3, 4, 5, 6, 9, 10 and 11, 2005. Sentenced on June 29, 2005.

**Written Release  
of Oral Decision:** August 23, 2005

**Subject:** Criminal - Sentencing

**Issue:** Sentencing for home invasion and three other break and enters.

**Summary:** Adam Best, age 19, with a lengthy but non-violent criminal record was convicted by a jury of an aggravated assault on a mentally disabled older farm worker, causing life threatening brain injury during a break and enter of his isolated rural home. The victim was left in a pool of blood for dead but survived. Best was convicted of three additional break and enters on the same day. A twenty-two year old co-accused confessed to the police early, plead guilty to four break and enters and being a party to

causing bodily harm to the farm worker. Best planned and was the leader of the home invasion and actually committed the aggravated assault. The co-accused was sentenced to six years in prison.

**Result:**

Best was sentenced to twelve years for the home invasion (aggravated assault and break and enter), and one year consecutive for two later residential break and enters. Per **R. v. Harris** (NSCA 2000) the starting point for home invasion sentences in Nova Scotia is eight to ten years. The numerous aggravating factors involving both the offences and the offender far outweighed the two mitigating factors, his age and the fact that his record was non-violent, resulting in a sentence of twelve years. The two later residential break and enters were sufficiently separated in time to require a consecutive sentence, but restraint and totality resulted in one additional year being added. Double credit was given for presentence detention per **R. v. Wust**. The Crown's request for restricted eligibility parole was rejected as the factors were already considered in determining the sentence.

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