

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R v. Bremner*, 2006 NSSC 367

**Date:** 20061123

**Docket:** SH 219487

**Registry:** Halifax

**Between:** Her Majesty the Queen

v.

Brian James Bremner (Marriott)

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Walter R.E. Goodfellow

**Heard:** November 23, 2006, in Halifax, Nova Scotia

**Written Decision:** December 4, 2006

**Subject:** Sentencing. Trafficking in cocaine.

**Summary:** The offender initially faced a three count indictment, but on pleading guilty to the first two counts, the Crown offered no evidence on the third count. The offender subsequently withdrew his guilty pleas and on the second count an earlier verdict was entered of *autrefois acquit* leaving the one count of possession for the purposes of trafficking in cocaine in prison packages, for which he was found guilty.

**Issue:** On the sentencing issues raised: (1) Should the offender be permitted to introduce evidence with respect to plea bargaining where it is alleged the Crown offered a three year sentence for the offense presently being sentenced and a previous conviction for which he was sentenced to two years consecutive? (2) Issue of parity of sentence? (3) Whether or not the sentence should be concurrent or consecutive? (4) What is the fit and appropriate sentence?

**Result:** (1) Particulars of plea bargaining not admissible with no bearing on guilt or innocence of accused, *Regina v. Howell* (1966), 103 C.C.C. (3d)

302.

(2) Parity does not trump need for denunciation and deterrence, particularly where extensive record.

(3) Offender's solicitor acknowledged that there was never any agreement as to whether or not the sentence was to be concurrent, which would mean the offender would spend no additional time in prison, or consecutive, which would mean being added to his existing sentences.

(4) Given the extensive criminal record based on violence and greed and total lack of any indication of any deterrence to date, this offence, being a more serious one than previous conviction related to marijuana, on totality of circumstances, a fit and appropriate sentence, consecutive sentence of additional 4 years imprisonment. Defendant's counsel wished two year concurrent sentence.

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