

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Skidmore, 2008 NSSC 28

Date: 20080116

Docket: CrSP.285330

Registry: Pictou

Between:

Her Majesty the Queen

v.

Carl Ronald Skidmore

DECISION

Judge: The Honourable Justice Douglas L. MacLellan

Heard: January 16th, 2008, in Pictou, Nova Scotia

Written Decision: January 29th, 2008

Counsel: Craig Botterill, for the Crown

Duncan Beveridge, Q.C., for the Defendant

By the Court:

[1] The matter before the court is a question of sentence of the accused in regard to three counts under the *Controlled Drugs and Substances Act*, in effect, trafficking in Cannabis Marihuana. The facts are as set out by crown counsel and involved Mr. Skidmore, the accused, offering marihuana to young people who were attending at his home. Mr. Skidmore is 68 years of age and a former school teacher. The proposal here by both crown and defence counsel is that in light of his guilty plea to these three counts, that other counts against Mr. Skidmore would not be proceeded with under the *Controlled Drugs and Substances Act* and also under the provisions of the *Criminal Code* involving sexual type charges. The proposed sentence here is as a result of a Resolution Conference during which crown and defence counsel attended. That has now been put on the record, the basis for the recommendation of two years in jail.

[2] Our Court of Appeal has indicated that this type of joint recommendation should only be interfered with by a trial judge if it is clearly outside of the normal range of sentence. The practice in this province has been that Resolution Conferences that result in a joint recommendation, the court most often accepts the arrangement or the matter is not dealt with in court. I do find that I have senior counsel here involved from the crown and the defence counsel. I agree with both of them that the proposed

recommendation for sentence is within the normal range that could be expected if Mr. Skidmore went to trial, was convicted, and was sentenced after a hearing. Therefore, I am prepared to accept and do accept the joint recommendation of defence counsel.

[3] Mr. Skidmore, if you would stand up, sir. For the offence for which you have entered a guilty plea that between January 1st, 2007 and February 16th, 2007 at Stellarton, Pictou County, Nova Scotia, you did unlawfully traffic a substance held out by you to be Cannabis Marihuana and did commit an offence contrary to section 5(1) of the said *Act*, I sentence you to a term of imprisonment of two years in a Federal Correctional Facility.

[4] For the offence for which you have entered a guilty plea that between December 1st, 2006 and February 16th, 2007 at Stellarton, you did unlawfully traffic in a substance held out to be marihuana contrary to Section 5(1) of the said *Act*, I sentence you to a term of imprisonment of two years, concurrent to the first sentence imposed.

[5] Finally, for the offence for which you have pleaded guilty that between the 1st day of May, 2006 and 16th day of February, 2007 at Stellarton, you did unlawfully traffic a substance held out to be marihuana contrary to Section 5 (1) of the *Act*, I

sentence you to a term of imprisonment of two years concurrent to the first two sentences already imposed.

MacLellan, J.