

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Kutappan, 2008 NSSC 61

Date: 20080228
Docket: CR. No. 288576
Registry: Halifax

Between:

Her Majesty the Queen

-and-

Haresh Kutappan

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Judge: The Honourable Justice Robert W. Wright

Heard: February 27 and 28, 2008 in Halifax, Nova Scotia

Oral

Decision: February 28, 2008

Written

Decision: March 3, 2008

Subject: Sentencing on four count indictment for possession of controlled drugs for purpose of trafficking.

Summary: After being unsuccessful in his application to exclude evidence for an alleged breach of his s. 8 Charter right, the offender changed his plea to guilty on all four counts of possession of controlled drugs for the purpose of trafficking under s. 5(2) of the **Controlled Drugs and Substances Act**. The accused was found in his apartment in possession of a sizeable quantity of drugs, including cocaine, ecstasy, psilocybin and cannabis marijuana. The police also seized cash in the amount of \$11,150 along with extensive drug paraphernalia for the repackaging and sale of the various substances. The nature and quantity of the drugs seized by the police placed the offender in the category of a large retailer. He had no prior criminal record.

Issue: The determination of a fit and proper sentence for these offences.

Result: Having regard to the paramount sentencing objectives of deterrence and denunciation, and the nature and quantity of drugs involved, the court imposed a sentence of four years incarceration, to be reduced by a double credit for the five months already served by the offender on remand. The court also ordered forfeiture of the cash seized together with the mandatory s. 109 prohibition order.

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