

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Vanmerrebach, 2008 NSSC 50

Date: 20080307
Docket: CR. No. 276982
Registry: Halifax

Between:

Her Majesty the Queen

-and-

Trevor Robert Vanmerrebach

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Judge: The Honourable Justice Robert W. Wright

Heard: March 7, 2008 in Halifax, Nova Scotia

Oral

Decision: March 7, 2008

Written

Decision: March 28, 2008

Subject: Sentencing - convictions for dangerous driving causing death and dangerous driving causing bodily harm under ss. 249(4) and 249(3) of the Criminal Code.

Summary: The accused was convicted of one count of dangerous driving causing death and one count of dangerous driving causing bodily harm. Both victims were passengers in the accused's vehicle when it left the road and slammed into a utility pole after the accused lost control of his vehicle as it exited a curve. All three occupants of the vehicle were ejected upon impact. The court found that the sole cause of the accident was the excessively high rate of speed at which the accused drove his vehicle on a curved rural highway. The consumption of alcohol was not proven to be a material factor.

Issue: The determination of a fit and proper sentence.

Result: The court imposed a conditional sentence of two years less a day to be served in the community, essentially through house arrest for the entire period (subject to permitted absences) as a punitive measure. Such a sentence struck an appropriate balance between the sentencing objectives of denunciation/deterrence and the rehabilitation of the offender and was consistent with the sentencing outcome in the similar case of *R. v. Parker* [1997] N.S.J. No. 194 (NSCA).

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