

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: R. v. Bonin, 2008 NSSC 152

Date: 2008/05/14
Docket: CR 281926 & CR283167
Registry: Halifax

Between:

Her Majesty the Queen

v.

Richard Michael Bonin

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Judge: The Honourable Justice A. David MacAdam
Heard: May 13th and May 14, 2008, in Halifax, Nova Scotia
Oral Decision: May 14, 2008
Written Decision: May 21, 2008
Subject: Criminal Law - Sentencing - Enhanced Credit.

Summary: Offender pleaded guilty to five offences, one of conspiracy to traffic in crack cocaine, contrary to s. 465(1)(c) of the **Criminal Code**, one of possession of crack cocaine for the purpose of trafficking, contrary to s. 5(2) of the **Controlled Drugs and Substances Act**, one of possession of cannabis marihuana, contrary to s. 4(1) of the **Controlled Drugs and Substances Act**, and two offences of unlawfully having in his possession money, in one offence less than five thousand dollars and in the other in excess of five thousand dollars, knowing the cash was obtained by the commission of an indictable offence, each contrary to s. 354(1) of the **Criminal Code**. Prior to entering his pleas, the offender had been on remand for almost three years.

Result: The offender was sentenced to ten and a half years on the conspiracy offence, ten and a half years concurrent on possession of crack cocaine for the purpose of trafficking, and the maximum sentence on each of the remaining offences, each to run concurrent with the sentence on the conspiracy offence.

Although the joint recommendation was for two times credit for the period of remand, defence counsel initially suggested, in view of the length of the remand, and the limited recreational facilities available to a person on remand, the court should consider an enhanced credit. After considering *R. v. Smith*, [1995] O.J. No. 214, where Justice Watt accepted the joint recommendation that included an enhanced credit, and *R. v. Kravchov*, [2002] O.J. No 2172, where after considering a number of factors, most of which are not present in this circumstance, the court awarded enhanced credit, I determined the present circumstances did not warrant the same degree of enhanced credit. Having regard to the length of the remand, including the restriction on activities of a person on remand, I granted credit of six years.

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