

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Newhook, 2008 NSSC 127

**Date:** 20080422

**Docket:** CR 281970

**Registry:** Halifax

**Between:**

Her Majesty the Queen

v.

Phillip Eric Newhook

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DECISION

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**Judge:** The Honourable Justice Gerald R P Moir

**Heard:** 22 April 2008 at Halifax

**Written Decision:** Oral decision transcribed and signed on 30 April 2008

**Counsel:** Mr. Eric R Woodburn for the crown  
Ms. Anne Calder for the defendant

Moir, J.: (Orally)

[1] I accept the joint recommendation for a sentence of two years plus one day. This is a very serious charge, robbery. Normally it would attract a longer sentence than that, however, this sentencing comes out of a guilty plea that was, to some extent, tied to discussions of a joint recommendation in circumstances which there may have been some difficulty on the Crown's part in securing a conviction without the guilty plea. So I take that into account, and my usual practice which is to accept a joint recommendation from experienced counsel.

[2] I am also encouraged from what I heard from Mr. Newhook on the stand and before that through his counsel. This is a story we have heard many times of a person who commits a petty robbery in dangerous circumstances because they want crack. I am satisfied in listening to Mr. Newhook briefly today that he is serious about wanting to overcome his crack addiction. I would make the recommendation to the federal authorities that whatever programs may be available to assist him in dealing with not just his addiction but the underlying causes of it should be made available to him. He expressed on the stand a very sincere desire to overcome the addiction and to thereby overcome the consequence of it, which is the commission of crimes.

[3] Mr. Newhook is 34 years of age. Lately he has been living in itinerant circumstances. He is a certified mechanic and claims to have maintained employment throughout his life. He has a long standing common-law relationship, two stepchildren who he regards fully as his own children, and two grandchildren at that. I think that it is very concerning that one of the stepchildren was involved in this matter or may have been involved in it. Just the same, it seems to me that there is a good prospect for Mr. Newhook, and a sentence of two years would be appropriate in the circumstances, taking into account the need for deterrence in reference to robbery.

[4] I have been given a statement of Mr. Newhook's criminal offences. The record does not indicate to me strong reasons for a long custodial term. It is mostly dated. There are theft charges and there is nothing of the kind of violence that is associated with robbery.

[5] Therefore, Mr. Newhook, it is my unpleasant responsibility to sentence you to a period of two years plus one day in jail.

J.