

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Marriott, 2011 NSSC 414

Date: 20110516

Docket: CRH 329528

Registry: Halifax

Between:

Her Majesty the Queen

v.

Aaron Gregory Marriott

SENTENCING

Judge: The Honourable Justice Kevin Coady

Heard: May 16, 2011

Sentencing: May 16, 2011

Counsel: Denise Smith for the Crown
Kevin Burke, QC for the Defendant

By the Court:

[1] First I want to commend Ms. Smith and Mr. Burke on their work and efforts on this matter. We all know that the criminal justice system is an adversarial process and this is one of those appropriate examples where the crown and the defence can arrive at a solution that addresses the interests of the community and the interests of Mr. Marriott, and I want to thank you both for that.

[2] As you know Mr. Burke is one of our most senior and experienced criminal defence lawyers and Ms. Smith is one of our most experienced crowns who is highly respected in this community for being fair and strong.

[3] When lawyers such as these come before the court, there is great comfort in knowing that any agreement arrived at is appropriate and that there is no power imbalance between the players. That all factors have been taken into consideration and well thought out and all types of principles and objectives are considered all the way from denunciation to compassion.

[4] I am familiar with the principles and objectives of sentencing as set out in the **Criminal Code** and I am not going to repeat them here. I am very familiar with

the similar cases that have been provided to me by counsel that helped me determine if the joint recommendation is an appropriate recommendation. I will say after the consideration of those authorities, I have no difficulty accepting the joint recommendation of 15 years.

[5] I recognize that the law says I should accept joint recommendations unless I can articulate a good reason not to and I have no hesitation in saying in this case that I have no such reason that I could possibly articulate.

[6] This is a very very tragic day, no matter how you look at it, it is a very tragic day.

[7] It's a tragedy day that's been over two years in coming. Certainly one tragedy is the events at the IWK at 6:45pm on November 18, 2008.

[8] Ms. Smith got it right when she described this as a "botched first degree murder."

[9] People in our community hear about all the gunplay in our city every day and it seems like it's not abating in any significant way, but I think it is fair to say that most members of the general community feel and accept that it involves others who are involved in the criminal elements and criminal gangs who live and organize away from where they live. They often feel that these types of events involve people with similar interests who the general public do not know or never see. They often feel these shootings are probably unlikely to bring harm to them and that if a citizen keeps his nose clean it's not very likely to be physically harmed by those who are doing the shooting. But when our citizens hear about an attempt to murder someone at 6:45pm at the local maternity and children's hospital, things change considerably. When they hear about someone running up to another person in a vehicle and blasting them three to five times with a high-powered pistol in the middle of that parking lot, it sends out a message that's new to the general community.

[10] When they hear about Mr. Hallett carrying a gun in the actual hospital, that shatters their sense of confidence as well. I will just say as an aside, and I am sure counsel is not surprised, I have no confusion about where Mr. Hallett fits in all of

these situations, so that confidence in the overall safety of our community is lost when something like this happens or at least reduced.

[11] They think of how many times they sat in their car in that parking lot. They think about how many times they walked across that cul-de-sac and they realize this could be any other public building in our community and as long as the shootings occur in the shooters community there is a greater feeling of security. Even though it troubles our citizens greatly but this type of shooting and the great possibility of what one could callously call collateral damage has done great damage to our community and our citizens and sense of self well being.

[12] The other tragedy is that Mr. Marriott stands before this court as a 20-year-old person who has been in jail for all of his adult life.

[13] Many of us have children who are 25-30 years old and we realize that sometimes maturity comes slowly. At that age there is not a lot of thought that goes into actions of those individuals even though they are later in their 20's or even 30's. But here we have Mr. Marriott who at 18 years old did what has been described here today.

[14] These factors tell me it is all about accepting peer pressure and wanting to make his mark in the criminal community without very much thought about the consequences of what would happen to the person receiving the damage and himself.

[15] In a way, as I was sketching out my remarks, I want to say to Mr. Marriott just how lucky he is, it is something I want you to think about in the coming years. Mr. Hallett could be dead and that would be a lost life and you could be facing a life sentence with no chance of parole for 25 years and all of these things would be happening while you are still, what I would like to call, a boy.

[16] While this shooting has impacted on this community in a way where you are looked upon as a bad or evil person, I always want to remind you that rehabilitation is always at play but you have to be patient and it will take time.

[17] I am satisfied that this joint recommendation of 15 years strikes the right balance between denunciation, which clearly is called for, and rehabilitation of this young man.

[18] I find it hard to believe that at 20 years old you could carry out such a brazen act without thinking of the consequences. You are paying a big price for that but you are young and you can be salvaged from the scrap heap if you want to make the effort.

[19] I think it is very clear from the comments of your counsel, and which I know from my own experience, that you must disassociate yourself from your fellow offenders in jail and over the years if you want to have any chance whatsoever of a better life in your 30, 40 and 50's. If you do not, you will be back before someone like me again and the possibility for something much more serious and you will never see the light of day again.

[20] I will sign a DNA order as requested and I will sign a Firearm Prohibitions for life.

[21] Mr. Marriott, please stand, I am going to sentence you to 15 years in prison for your involvement in this offence, let me just say, society will be safer in the

long run if you are able to achieve a pro-social lifestyle after this sentence is served.

[22] So we all have an interest in seeing you succeed and I want to wish you well.

J.