

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Vandette, 2012 NSSC 438

Date: 20121212

Docket: CRH 387519

Registry: Halifax

Between:

Her Majesty the Queen

v.

Christopher Lorne Vandette

Judge: The Honourable Justice Michael J. Wood

Heard: December 12, 2012, in Halifax, Nova Scotia

Decision: December 12, 2012

**Written Release
of Decision:** January 8, 2013

Counsel: Jeffrey S. Moors, for the Federal Crown
Eric Taylor, for the Provincial Crown
Luke A. Craggs, for the Defence

By the Court: (Orally)

[1] I will tell you upfront, I am prepared to accept the recommendations of counsel. When experienced counsel give consideration to the evidence as they obviously have here, I am loath to interfere with that judgment unless I believe there is a serious mistake, and I do not see one in this case.

[2] Mr. Vandette, this is a sad day for you and your family obviously, and for the Court. We do not take any pleasure in imposing sentences of this length on individuals. I am influenced by the comments of your lawyer that you have some employment skills. You are obviously skilled in the area of being a tattoo artist and I wish you luck when you finish your sentence in returning to some sort of productive employment. You are a young man, twenty-eight years of age as I understand. You had some incidents when you were younger, a few convictions and some penalties which should have told you that a certain lifestyle and certain activities is not the way to go. Unfortunately, you did not learn from that lesson and you found yourself back in a situation that brought you here today. The only thing I can say is you are a very, very lucky man, as are the McNeils that no one

was more seriously hurt or even killed, because this would be an entirely different hearing if that had been the case. So to that extent you are fortunate.

[3] You are obviously going to spend a fair amount of time in a federal institution. I would encourage you to take advantage of whatever opportunities present themselves there to rehabilitate yourself, to deal with any issues you think you need to deal with so that when you come out the other end you can be a productive member of society as proposed by Mr. Craggs. So I certainly wish you luck in that and hope that we or any other court in Canada never have the occasion to see you again once you are finished your sentence.

[4] So for the record, what I will do is I will enter sentences on count one for three years concurrent, count two for one year concurrent, count three for one year concurrent, count four for two years concurrent, counts five and six for twelve years each concurrent, count seven and eight for one year each.

[5] I will grant the two DNA orders requested by the Crown. The mandatory one for the primary offences under s. 487.051(1). Also the discretionary order for the remaining offences except for count seven under s. 487.051(3). I will waive

the victim surcharge as requested. I will also impose the s. 109 lifetime firearms ban. I will give Mr. Vandette credit on a one to one basis for time served on remand since April 17, 2011. With respect to the forfeiture order, obviously the mandatory order under s. 491 for forfeiture of the weapons will be granted, and I am certainly happy to receive a consent order from counsel to deal with any remaining items that were seized if there is a request that they be forfeited.

[6] Dealing with the Federal charges under the *Controlled Drugs and Substances Act*, I accept the proposal put forward by Mr. Moors that there be a thirty day sentence on the marihuana possession charge, which is the fourth charge, and a consecutive sentence of sixty days on the cocaine possession, and that both of those sentences would be consecutive to the concurrent sentences on the counts in the Provincial indictment.

[7] Good luck, Mr. Vandette.

Wood, J.