

SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Reddick , 2013 NSSC 70

Date: 20130111
Docket: CR. No. 341059
Registry: Halifax

Between:

Her Majesty the Queen

-and-

Alexander John Reddick

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Judge: The Honourable Justice Robert W. Wright

Heard: January 11, 2013 at Halifax, Nova Scotia

Oral

Decision: January 11, 2013

Written

Decision: February 28, 2013

Subject: Sentencing for the offence of trafficking in hydromorphone (dilaudid) under s.5(1) of the CDSA.

Summary: Just after his trial began, the offender plead guilty to an amended charge of trafficking in hydromorphone (dilaudid). Unlike most trafficking offences, here presented was a situation where only a single dilaudid pill on a single occasion was involved. The court found that it was not trafficked for profit or gain in any commercial sense but rather was an exchange whereby the offender could acquire a small quantity of crack cocaine to feed his habit on the night in question. The court also found that he acquired possession of the dilaudid pill lawfully through a medical prescription provided for pain management of an injury he had sustained in a car accident several years earlier. Although the offender had a lengthy and substantial criminal record, he had no prior drug convictions.

Issue: The determination of a fit and proper sentence for this offender tailored to the particular circumstances surrounding the offence.

Held: Although the Nova Scotia Court of Appeal has made clear pronouncements that the sentencing norm in this province in cases involving the trafficking of cocaine, or by extension dilaudid, is a term of imprisonment in a federal penitentiary for those who engage in it as a higher level retailer or who seek to profit from it as a trade, the weight of the mitigating factors here was sufficient for the court to depart from that norm. The accused could not be said on the evidence before the court to have engaged in the drug trade in the commercial sense. The trafficking of a single dilaudid pill was not for financial profit or gain in the ordinary sense but rather was used as a means to acquire a small street quantity of cocaine for his individual use that evening. In order to give effect to the overarching principle of proportionality on these facts, the court imposed a sentence of imprisonment for a period of 16 months. In addition, ancillary orders were granted for a ten year weapons prohibition ban and the taking of a DNA sample.

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