SUPREME COURT OF NOVA SCOTIA
Citation: *R. v. Mannette*, 2025 NSSC 292

Date: 20250818
Docket: CRH No. 537491
Registry: Halifax

Between:

His Majesty the King

v.

John Walter Mannette

JOINT RECOMMENDATION DECISION

Judge:	The Honourable Justice Bodurtha
Heard:	August 18, 2025, in Halifax, Nova Scotia
Oral Ruling:	August 18, 2025
Written Release:	September 22, 2025
Counsel:	Madeline Smillie-Sharp, for the Crown Steven Degen, for the Offender

By the Court (Orally):

Overview

[1] On May 27, 2025, Mr. Mannette pled guilty to a single count of failure to stop after an accident in which bodily harm resulted, contrary to section 320.16(2) of the *Criminal Code*. By agreement, the offence for which Mr. Mannette pled guilty was amended to include both victims.

[2] The Crown and Defence are jointly recommending a sentence of fifteen months' custody to be served in the community under a Conditional Sentence Order, followed by a period of twelve months probation.

[3] The joint recommendation also includes the following ancillary order:

- a three-year driving prohibition order pursuant to section 320.24(4) of the *Criminal Code.*

[4] For the reasons that follow, I accept the joint recommendation.

Facts

[5] Core facts were presented to the Court when the guilty plea was entered for the purpose of section 606 of the *Criminal Code,* and the parties indicated that further facts would be provided at the sentencing hearing.

[6] A pre-sentence report was ordered, and the sentencing was adjourned to August 18, 2025.

[7] The Crown read into the record the Agreed Statement of Facts in relation to Mr. Mannette's guilty plea. Those facts were as follows:

> l. That on September 3, 2023 at all material times, that he Mr. John Walter Mannette (hereinafter "Mr. Mannette") was the owner and sole operator of a 2009 grey Toyota Yaris with Nova Scotia license plate GYY 764, and Vehicle Identification Number JTDBT923691333838 (hereafter "the vehicle");
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> 2. That at approximately 8:00 pm on September 3,2023 Mr. Mannette was driving the vehicle southbound on Highway 207, West Chezzetcook, Nova Scotia,
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> 3. That at the same time Mr. Anthony Walsh (DOB February 2, 1987) (hereinafter "Mr. Walsh"), and his partner Ms. Brittany Warwick (DOB July 7, 2000)

(hereinafter "Ms. Warwick"), were travelling northbound on Highway 207, West Chezzetcook, Nova Scotia on Mr. Walsh's black FLTRI Road Glide Harley Davidson motorcycle with Nova Scotia License plate 215217 and Vehicle Identification Number 1 HD 1FSW316Y 658984 (hereinafter "the motorcycle"),

4. That shortly after 8:00 p.m. Mr. Mannette crossed over the center line of Highway 207, West Chezzetcook, Nova Scotia in the vehicle going into the Northbound Lane causing a collision with Mr. Walsh and Ms. Warwick on the motorcycle,

5. That the portion of Highway 207 where the collision occurred has been a historically problematic area where multiple accidents have occurred over the past few years,

6. That prior to the collision outlined in term 4 Mr. Mannette had consumed alcohol and it was in his system at the time of the collision,

7. That as a result of the collision both Mr. Walsh and Ms. Warwick suffered significant injuries,

Injuries

8. That Mr. Walsh was transported from the collision scene to hospital by ambulance,

9. That Mr. Walsh's[*sic*] suffered significant trauma to his left leg and ankle, which resulted in injuries as outlined in Appendix A,

10. That Mr. Walsh's injuries included an open comminuted fracture of his tibia which required surgery, the implantation of permanent medical hardware and have left Mr. Walsh walking with a limp,

11. That Ms. Warwick was air lifted from the collision scene by LifeFlight,

12. That Ms. Warwick suffered significant trauma to her left leg, pelvis, which resulted in injuries as outlined in Appendix B,

13. That Ms. Warwick's injuries resulted in her undergoing multiple surgeries, having an above the knee amputation and being confined to a wheelchair,

14. That the injuries which were sustained by Mr. Walsh and Ms. Warwick were as a result of the collision which occurred on September 3, 2023 between the vehicle and the motorcycle,

15. That the injuries which were sustained by Mr. Walsh and Ms. Warwick constitutes bodily harm.

Post collision

16. That after the collision Mr. Mannette immediately departed the collision scene,

17. That following his departure from the collision scene Mr. Mannette returned to the scene with his father,

> 18. That upon his return to the collision scene Mr. Mannette was turned away by police who were securing the scene,
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> 19. That at approximately 9:53 Mr. Mannette called 911 and asked to have police attend his residence as "they're looking for [him]" and he would like to speak to them,
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> 20. That police attended Mr. Mannette's residence to speak to him and found the vehicle in plain view at Mr. Mannette's residence, and further that Mr. Mannette promptly advised them of his role as the driver in the accident.

Victim Impact Statement

[8] Brittany Warwick submitted a Victim Impact Statement. It is a vivid, heart-wrenching account of the emotional and physical impact this incident has had on her. She suffers from flashbacks, phantom pain, and complications from the two amputations on her left leg. The impact of this offence on this victim is devastating.

Pre-sentence Report

[9] A pre-sentence report was prepared in relation to this matter. It describes Mr. Mannette as polite, cooperative, and engaged. Mr. Mannette describes his childhood as being “nothing out of the ordinary.” He has always had a great relationship with his parents and is close with his younger brother.

[10] Mr. Mannette has a grade ten high school education. He left school after grade ten and enrolled at the Dartmouth Vocational School for two years and earned a certificate in welding. Mr. Mannette has been employed full-time for the past 34 years as a welder with Container Trailer Services. His supervisor advises he has no concerns with Mr. Mannette’s attendance, performance, or overall work ethic. He is in good physical health overall. He does not use illicit substances. He advised that he began drinking alcohol in his 20’s. He stated that his alcohol consumption increased after his divorce, but he denied ever having an addiction to alcohol. He advised his probation officer that he wished it did not happen and became emotional when speaking about the incident. He took responsibility for his actions and said, “I wish it didn’t happen. I feel bad. It never leaves my mind, especially the female who lost her leg. I don’t sleep.”

Allocution

[11] Mr. Mannette spoke to the Court and acknowledged that he is deeply sorry for the pain and suffering he has put the victims and his family through. He stated, "That [he] is truly sorry, and this will haunt [him] for the rest of [his] life." The Court acknowledged his accountability and remorse.

Criminal Record

[12] Mr. Mannette has a prior criminal record. The record consists of three dated convictions for impaired driving. The most recent conviction is from approximately 22 years ago and the other two are approximately 31 and 34 years old. Mr. Mannette is not being sentenced for impaired driving, but with his prior record consisting of driving offences, the record does amount to an aggravating factor.

The Purpose and Principles of Sentencing

[13] In relation to the offence before the court the Crown proceeded by indictment which makes the maximum sentence in relation to this matter fourteen years in custody. Section 320.2(a) outlines that for a first offence the mandatory minimum sentence for this offence is a fine of $1,000.

[14] Sections 718 to 718.2 of the *Criminal Code* contain the fundamental purpose and principles of sentencing. Section 718 reads:

> 718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:
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> (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
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> (b) to deter the offender and other persons from committing offences;
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> (c) to separate offenders from society, where necessary;
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> (d) to assist in rehabilitating offenders;
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> (e) to provide reparations for harm done to victims or to the community; and
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> (f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

[15] Section 718.1 outlines the fundamental principle behind sentencing and reads:

> 718.1 A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

[16] Section 718.2 contains the following relevant factors:

> 718.2 A court that imposes a sentence shall also take into consideration the following principles:
>
> (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing, …
>
> (b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
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> …
>
> (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
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> (e) all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

Analysis

Aggravating and mitigating circumstances

[17] In addition to considering the statutory guidelines of ss. 320.16(2) and 718.1 of the *Criminal Code*, and comparable sentencing precedents, I must also take into consideration the contextual aggravating and mitigating circumstances of this case which informs whether the joint recommendation is a fair and appropriate sentence for Mr. Mannette's offence.

Aggravating factors

[18] The following factors are aggravating:

- Mr. Mannette's prior criminal record
- Impact on the victims, particularly Ms. Warwick

- Consumption of alcohol
- Two victims

[19] Mr. Mannette's prior criminal record although dated, with its prior driving offences, does amount to an aggravating factor.

[20] As the Crown has outlined in their materials, the specific impact on a victim can be considered an aggravating factor. Leaving the scene of an accident in which bodily harm occurs requires bodily harm as an essential element of the offence. That said, the fact that the victims suffered bodily harm does not create a de-facto aggravating fact. The extent of the bodily harm and the specific impact upon the victim can nonetheless represent aggravating features of the offence and in this instance, the long-term impact upon each victim, particularly Ms. Warwick, can be considered aggravating.

[21] Mr. Mannette has acknowledged via the agreed facts that he had consumed alcohol prior to the collision and that it was in his system. This represents a general aggravating factor for the offence of leaving the scene of an accident without any further or increased aggravation that would come from establishing impairment or the quantity of alcohol.

Mitigating factors

[22] The following factors are mitigating:

- Mr. Mannette's guilty plea and acceptance of responsibility
- Mr. Mannette's sincere remorse
- Mr. Mannette's family support and pro-social history, including his employment

[23] Regarding Mr. Mannette's guilty plea, it did not occur at the earliest opportunity. As the Crown indicated, there was a preliminary inquiry held in relation to this matter as well as the *Charter* application before me. Although Mr. Mannette's guilty plea did not occur at the earliest opportunity, it should still be considered through that lens because the running of the preliminary inquiry and the *Charter* Application in Supreme Court were in furtherance of legitimate issues that pertained predominantly to the other charges that Mr. Mannette was facing. The litigation of those issues is what led to Mr. Mannette's guilty plea to the charge he

is being sentenced for. An accused person should not lose any mitigating value for failing to plead guilty to offences for which there are valid defences.

[24] Mr. Mannette's guilty plea also comes with the factual acknowledgment of issues that could have been contested had a trial proceeded. Significantly, Mr. Mannette has acknowledged that he crossed the centre line of the road prior to the collision. Similarly, Mr. Mannette has acknowledged through the agreed statement of facts that he had consumed alcohol prior to the collision, and that it was in his system. This represents the concession of an aggravating feature being established without the Crown being required to prove this fact.

[25] As has been outlined in the pre-sentence report, Mr. Mannette expressed remorse when discussing the event with the author and became emotional when discussing it, indicating that it never leaves his mind and he cannot sleep. Mr. Mannette reiterated this in his allocution.

[26] As further outlined in the pre-sentence report, Mr. Mannette has worked as a welder with the same employer for the last 34 years. He aids his elderly mother and stepfather, has volunteered with the fire department and search and rescue in the past, and generally keeps to himself.

Proportionality and parity

[27] Section 718.1 reads: "a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender." The sentence must not be more severe than what is just and appropriate given the seriousness of the offence and the moral blameworthiness of Mr. Mannette. The majority of the Supreme Court of Canada stated in *R. v. Lacasse*, 2015 SCC 64:

> [12] ... In other words, the severity of a sentence depends not only on the seriousness of the crime's consequences, but also on the moral blameworthiness of the offender. Determining a proportionate sentence is a delicate task. As I mentioned above, sentences that are too lenient and sentences that are too harsh can undermine public confidence in the administration of justice.

[28] The majority further explained the principles of proportionality and parity:

> 53 This inquiry must be focused on the fundamental principle of proportionality stated in s. 718.1 of the *Criminal Code*, which provides that a sentence must be "proportionate to the gravity of the offence and the degree of responsibility of the offender". A sentence will therefore be demonstrably unfit if it constitutes an

> unreasonable departure from this principle. Proportionality is determined both on an individual basis, that is, in relation to the accused him or herself and to the offence committed by the accused, and by comparison with sentences imposed for similar offences committed in similar circumstances. Individualization and parity of sentences must be reconciled for a sentence to be proportionate: s. 718.2(a) and (b) of the *Criminal Code*.
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> 54 The determination of whether a sentence is fit also requires that the sentencing objectives set out in s. 718 of the *Criminal Code* and the other sentencing principles set out in s. 718.2 be taken into account. Once again, however, it is up to the trial judge to properly weigh these various principles and objectives, whose relative importance will necessarily vary with the nature of the crime and the circumstances in which it was committed. The principle of parity of sentences, on which the Court of Appeal relied, is secondary to the fundamental principle of proportionality. This Court explained this as follows in *M. (C.A.)*:
>
> > It has been repeatedly stressed that there is no such thing as a uniform sentence for a particular crime ... Sentencing is an inherently individualized process, and the search for a single appropriate sentence for a similar offender and a similar crime will frequently be a fruitless exercise of academic abstraction. [para. 92]

[29] I have reviewed the decisions referenced in the Crown brief for the joint recommendation (*R. v. Cunningham*, 2020 QCCQ 5625, *R. v. Berto*, 2021 ONCA 839, *R. v. Coates*, 2023 ONSC 3392, and *R. v. Bleck*, 2024 ONSC 3461). I have also reviewed the decisions referenced by defence counsel (*R. v. Kennedy*, 2021 NSSC 75, *R. v. Forrestall*, 2021 ONCJ 121, *R. v. Arsenault*, 2024 ONCJ 24).

[30] A review of the sentencing cases that deal with the offence of leaving the scene of an accident when bodily harm results reveals that courts focus on two primary features when considering the requirement for denunciation and deterrence generally. The first feature involves the moral culpability associated with an offender not stopping to render assistance to someone that has been involved in an accident. The second feature involves condemning the impact left when individuals leave the scene to avoid detection, prevent or hamper the investigation, leave victims without recourse to legal processes and other related consequences. Mr. Mannette's conduct in leaving the scene without stopping to render assistance necessitates denunciation for that aspect of the offence. However, he did return to the scene of the accident shortly afterwards with his stepfather and was turned away by police. He later phoned the police to advise them that he wanted to speak with them. When the police arrived, he immediately advised them that he had been involved in the accident.

[31] The cases referenced above outline the requirement of sentencing courts to send a message to individuals that driving away from accidents and attempting to evade detection is not worth the gamble, as a means of deterrence. In this case, there is a real likelihood that the identity of the driver could have remained unknown to the police. Mr. Mannette reporting the incident to police ensured that there were no real resources required to ascertain the identity of the driver. Unlike many of the other individuals in the cases cited above where offenders created fake narratives to explain car damage, took steps to avoid detection, lied to police or gave false statements, etc., Mr. Mannette's post-offence conduct in reporting the event to police after physically returning to the scene requires far less condemnation or deterrence. The actions of other individuals in such cases reflect in part a continuation of the offence, or at least the motivation for it, which is different than the actions of Mr. Mannette in returning to the scene and then reporting it to the police.

[32] In any sentencing the individualized nature of the hearing means that no two cases will ever be treated equally. However, in applying the parity principle to the joint recommendation, the test as outlined in *R. v. Anthony-Cook*, [2016] 2 S.C.R. 204, dictates that the Court should consider whether the proposed sentence falls within an acceptable range and should only interfere if the recommendation would bring the administration of justice into disrepute. It is clear from the caselaw that Conditional Sentence Orders are available and have been ordered in similar cases, including cases that involve much worse post-offence conduct than the present case. When dealing with the moral culpability of the offence of leaving the scene, Mr. Mannette's conduct in returning to the scene of the accident and then reporting it to police and acknowledging that he was the driver within a relatively quick period reduces his moral culpability.

Conditional Sentence Order

[33] In considering whether a conditional sentence order is appropriate in these circumstances I have applied the summary of considerations outlined by the Supreme Court of Canada in *R. v Proulx*, 2000 SCC 5, at para. 127:

> 1. Bill C-41 in general and the conditional sentence in particular were enacted both to reduce reliance on incarceration as a sanction and to increase the use of principles of restorative justice in sentencing.
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> 2. A conditional sentence should be distinguished from probationary measures. Probation is primarily a rehabilitative sentencing tool. By contrast, Parliament intended conditional sentences to include both punitive and rehabilitative aspects.

Therefore, conditional sentences should generally include punitive conditions that are restrictive of the offender's liberty. Conditions such as house arrest should be the norm, not the exception.

3. No offences are excluded from the conditional sentencing regime except those with a minimum term of imprisonment, nor should there be presumptions in favour of or against a conditional sentence for specific offences.

4. The requirement in s. 742.1(a) that the judge impose a sentence of imprisonment of less than two years does not require the judge to first impose a sentence of imprisonment of a fixed duration before considering whether that sentence can be served in the community. Although this approach is suggested by the text of s. 742.1(a), it is unrealistic and could lead to unfit sentences in some cases. Instead, a purposive interpretation of s.742.1(a) should be adopted. In a preliminary determination, the sentencing judge should reject a penitentiary term and probationary measures as inappropriate. Having determined that the appropriate range of sentence is a term of imprisonment of less than two years, the judge should then consider whether it is appropriate for the offender to serve his or her sentence in the community.

5. As a corollary of the purposive interpretation of s. 742.1(a), a conditional sentence need not be of equivalent duration to the sentence of incarceration that would otherwise have been imposed. The sole requirement is that the duration and conditions of a conditional sentence make for a just and appropriate sentence.

6. The requirement in s. 742.1(b) that the judge be satisfied that the safety of the community would not be endangered by the offender serving his or her sentence in the community is a condition precedent to the imposition of a conditional sentence, and not the primary consideration in determining whether a conditional sentence is appropriate. In making this determination, the judge should consider the risk posed by the specific offender, not the broader risk of whether the imposition of a conditional sentence would endanger the safety of the community by providing insufficient general deterrence or undermining general respect for the law. Two factors should be taken into account: (1) the risk of the offender re-offending; and (2) the gravity of the damage that could ensue in the event of re-offence. A consideration of the risk posed by the offender should include the risk of any criminal activity, and not be limited solely to the risk of physical or psychological harm to individuals.

7. Once the prerequisites of s. 742.1 are satisfied, the judge should give serious consideration to the possibility of a conditional sentence in all cases by examining whether a conditional sentence is consistent with the fundamental purpose and principles of sentencing set out in ss. 718 to 718.2. This follows from Parliament's clear message to the judiciary to reduce the use of incarceration as a sanction.

8. A conditional sentence can provide significant denunciation and deterrence. As a general matter, the more serious the offence, the longer and more onerous the conditional sentence should be. There may be some circumstances, however,

> where the need for denunciation or deterrence is so pressing that incarceration will be the only suitable way in which to express society's condemnation of the offender's conduct or to deter similar conduct in the future.
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> 9. Generally, a conditional sentence will be better than incarceration at achieving the restorative objectives of rehabilitation, reparations to the victim and the community, and promotion of a sense of responsibility in the offender and acknowledgment of the harm done to the victim and the community.
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> 10. Where a combination of both punitive and restorative objectives may be achieved, a conditional sentence will likely be more appropriate than incarceration. Where objectives such as denunciation and deterrence are particularly pressing, incarceration will generally be the preferable sanction. This may be so notwithstanding the fact that restorative goals might be achieved. However, a conditional sentence may provide sufficient denunciation and deterrence, even in cases in which restorative objectives are of lesser importance, depending on the nature of the conditions imposed, the duration of the sentence, and the circumstances of both the offender and the community in which the conditional sentence is to be served.
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> 11. A conditional sentence may be imposed even where there are aggravating circumstances, although the need for denunciation and deterrence will increase in these circumstances.
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> 12. No party is under a burden of proof to establish that a conditional sentence is either appropriate or inappropriate in the circumstances. The judge should consider all relevant evidence, no matter by whom it is adduced. However, it would be in the offender's best interests to establish elements militating in favour of a conditional sentence.
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> 13. Sentencing judges have a wide discretion in the choice of the appropriate sentence. They are entitled to considerable deference from appellate courts. As explained in *M. (C.A.)*, *supra*, at para. 90: "Put simply, absent an error in principle, failure to consider a relevant factor, or an overemphasis of the appropriate factors, a court of appeal should only intervene to vary a sentence imposed at trial if the sentence is demonstrably unfit".

[34] In my view, there is nothing that precludes the Court from ordering a Conditional Sentence in this case. The proposed sentence of fifteen months' custody to be served in the community under a Conditional Sentence Order, followed by a period of twelve months' probation and a three-year driving prohibition order pursuant to section 320.24(4) of the *Criminal Code*, gives proper effect to the principles of denunciation and deterrence. While Mr. Mannette's offending conduct is serious and merits strong condemnation, the proposed sentence reflects the gravity of the offence and Mr. Mannette's degree of responsibility.

[35] Justice Arnold, in *R. v. C.S.Y.*, 2022 NSSC 122, outlined the relevant paragraphs regarding joint recommendations from the Supreme Court of Canada decision in *R. v. Anthony-Cook*, [2016] 2 S.C.R. 204:

> 12 In *R. v. Anthony-Cook*, [2016] 2 S.C.R. 204, Moldaver J., speaking for the court, discussed the need for courts to follow joint recommendations and the test to be applied by a trial judge when considering a joint recommendation:
>
> > [34] In my view, these powerful statements capture the essence of the public interest test developed by the Martin Committee. They emphasize that a joint submission should not be rejected lightly, a conclusion with which I agree. Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold — and for good reason, as I shall explain.
> >
> > [35] Guilty pleas in exchange for joint submissions on sentence are a "proper and necessary part of the administration of criminal justice" (Martin Committee Report, at p. 290). When plea resolutions are "properly conducted [they] benefit not only the accused, but also victims, witnesses, counsel, and the administration of justice generally" (ibid., at p. 281 (emphasis deleted)).
> >
> > . . .
> >
> > [44] Finally, I note that a high threshold for departing from joint submissions is not only necessary to obtain all the benefits of joint submissions, it is appropriate. Crown and defence counsel are well placed to arrive at a joint submission that reflects the interests of both the public and the accused... As a rule, they will be highly knowledgeable about the circumstances of the offender and the offence and the strengths and weaknesses of their respective positions. The Crown is charged with representing the community's interest in seeing that justice is done... Defence counsel is required to act in the accused's best interests, which includes ensuring that the accused's plea is voluntary and informed... And both counsel are bound professionally and ethically not to mislead the court... In short, they are entirely capable of arriving at resolutions that are fair and consistent with the public interest...

Conclusion

[36] The parties have presented a joint recommendation. It is clear from their submissions that they have considered the relevant caselaw as it applies to the facts of this case in arriving at a joint sentence. They have taken into consideration the

purpose and principles of sentencing, including the circumstances of Mr. Mannette, general and specific deterrence, restraint, and proportionality.

[37] In giving considerable deference to counsel in crafting a joint recommendation a significant part of the rationale behind it from *R v. Anthony-Cook* involves an awareness that sentencing judges never have all the information available to them that counsel does. That can include information about the anticipated evidence, legal issues, witness expectations, and other endless nuanced variables that contribute to the uncertainty of the trial process. When counsel engages in extended negotiations with an awareness of all these variables and where *quid pro quo* is involved, sentencing judges are instructed to respect that process through the deference afforded to joint recommendations.

[38] In Mr. Mannette's case, the rationale that underlies joint submissions is even more present and deserving of deference. The joint recommendation that is being put before the Court does not arrive hastily on a first appearance but follows multiple hearings and continued candid discussions among counsel. The caselaw provided to the Court supports the conclusion that the sentence that involves a 15-month Conditional Sentence Order followed by 12 months of Probation is within the acceptable range of sentence for Mr. Mannette in consideration of his personal circumstances, the facts of this case, and the comparison to other sentences.

[39] Both Crown and Defence agree that this is a "true" joint recommendation that comes after multiple hearings and extensive discussion between counsel. The Crown considered the significant evidentiary frailties which emerged in the evidence of the investigation during the *Charter* application, as well as ensuring accountability for the victims. This recommendation from the Crown's perspective, acknowledges the *Charter* issues arising from the investigation but holds Mr. Mannette responsible for his actions and, while at the lower end of the range, is acceptable given the circumstances of the offence and the offender. I agree.

[40] The proposed sentence falls within the range of sentences for this crime. It is a fit and proper sentence that is not contrary to the public interest, nor would it bring the administration of justice into disrepute. The proposed sentence is not dissimilar to sentences imposed upon other offenders for similar offences. I see no reason to deviate from it.

[41] Accordingly, I accept the joint recommendation and sentence Mr. Mannette as follows:

- fifteen months' custody to be served in the community under a Conditional Sentence Order;
- followed by a period of twelve months' probation.

[42] I grant the following ancillary order:

- a three-year driving prohibition order pursuant to section 320.24(4) of the *Criminal Code*.

[43] The remaining charges on the indictment are dismissed.

Bodurtha, J.