

SUPREME COURT OF NOVA SCOTIA
Citation: *R. v. Greenwood*, 2026 NSSC 108

Date: 20260401
Docket: CRH-352344
Registry: Halifax

Between:

His Majesty the King

v.

Leslie Douglas Greenwood

MANSLAUGHTER SENTENCE

Judge:	The Honourable Justice Joshua M. Arnold
Heard:	April 1, 2026, in Dartmouth, Nova Scotia
Final Written Submissions:	April 1, 2026
Oral Decision:	April 1, 2026
Written Decision:	April 20, 2026
Counsel:	Shauna MacDonald, K.C., and Peter Craig, K.C., for the Crown Michael Spratt and Keara Lundrigan, for Leslie Greenwood

[1] Leslie Douglas Greenwood was originally charged with two counts of first degree murder in relation to the shooting deaths of Kirk Mersereau and Nancy Christensen on September 9, 2000. On March 30, 2026, the Crown consented to Mr. Greenwood pleading guilty to two counts of manslaughter as included offences to the murder charges. Crown and defence jointly recommend a period of 15 years in jail concurrent to each other, with time considered served due to his time in custody on these matters, combined with his time spent serving related sentences. For the reasons that follow, I accept the joint recommendation.

Facts

[2] Pursuant to section 655 of the *Criminal Code*, the Crown alleges, and the accused, Leslie Douglas Greenwood, admits for the purposes of dispensing with strict proof thereof, the following facts:

1. On September 9, 2000, Kirk Mersereau and Nancy Christensen were shot and killed inside their residence in Centre Burlington, Nova Scotia. The shootings occurred during an incident at the home involving Michael Lawrence and Mr. Greenwood. Mr. Lawrence has admitted responsibility for the killings and pleaded guilty to the murders. Mr. Greenwood knew Mr. Lawrence and had prior dealings with him.
2. In the days leading up to September 9, 2000, Mr. Lawrence was involved in criminal activity connected to a significant drug debt he owed. As part of those events, Mr. Lawrence stole a truck from another individual and killed him (Charles Maddison). Mr. Greenwood was aware of this.
3. On September 9, 2000, Mr. Greenwood travelled with Mr. Lawrence in Mr. Maddison's stolen truck to the Mersereau residence. Mr. Greenwood believed that the purpose of attending at the residence was connected to obtaining drugs and/or money, by force if necessary, and that there was a possibility that a confrontation could occur. Mr. Greenwood knew Mr. Lawrence was armed with a firearm. Given the circumstances of the anticipated activities, Mr. Greenwood was aware that there was a risk of serious bodily harm. Mr. Greenwood briefly entered the residence but returned to the stolen truck parked outside the home prior to Lawrence firing the fatal gunshots.
4. The shootings resulted in the deaths of Mr. Mersereau and Ms. Christensen. Mr. Greenwood did not discharge a firearm. After the shooting occurred, Mr. Greenwood and Mr. Lawrence left the area together in the truck and departed from the residence.
5. Mr. Greenwood acknowledges that by attending at the residence with Mr. Lawrence in these circumstances he was participating in unlawful conduct and understood that there was a real likelihood that violence could occur. He knew that the situation carried a risk that bodily harm could result.

Mr. Greenwood accepts that the deaths of Mr. Mersereau and Ms. Christensen occurred in the course of an unlawful act, he was a co-principal to that unlawful act, and that he knew there was the likelihood of violence that could result in bodily harm.

Procedural History

[3] The shootings occurred on September 9, 2000. Mr. Greenwood was originally charged with the murders of Mr. Mersereau and Ms. Christensen on December 9, 2010. He was on remand from December 9, 2010, until he was convicted of two counts of murder following his first trial, on May 9, 2012 (which amounts to 518 days, or 17 months and 1 day, on remand). He began serving his life sentences on May 9, 2012, serving this sentence until it was overturned on September 8, 2014 (which amounts to 853 days, or exactly 28 months of sentence served). On September 8, 2014, Mr. Greenwood was again remanded on these charges until he was again convicted of two counts of murder (for the second time) following a second trial on February 2, 2018 (which amounts to 1244 days, or 40 months and 26 days, on remand). Mr. Greenwood served this sentence from February 2, 2018, until July 26, 2022, when his second conviction was overturned (which amounts to 1636 days, or 53 months and 25 days, of sentence served). Mr. Greenwood has been remanded again on these charges from July 26, 2022, until April 1, 2026 (which amounts to 1346 days, or 44 months and 7 days, on remand).

[4] According to the parties, Mr. Greenwood's total remand time has been: $518 + 1244 + 1346 = 3108$ days, or 103 months and 18 days, or approximately 8.5 years at 1:1 credit. His total time of sentence served has been: $853 \text{ days} + 1636 \text{ days} = 2489$ days, or 82 months and 29 days, or 6.8 years. **Therefore, according to Crown and defence, the total amount to be credited via remand and sentence served comes to 15 years.**

[5] Additionally, Mr. Greenwood was also arrested on December 9, 2010, with respect to two counts of first degree murder committed in Montreal. He was remanded on those matters. His first trial resulted in a mistrial in 2015. He was re-tried on those murders and convicted on both charges on December 11, 2017. He was on remand until that date and has been serving these sentences since. His parole eligibility date for the two Montreal murder convictions is 2035.

Criminal Record

[6] Mr. Greenwood has the following criminal record:

Sentence Date	Charge	Sentence
18-DEC-2017	CC 235(1) (two counts)	<ul style="list-style-type: none"> • Life Sentence (Eligible for Parole After 25 Years) • Mandatory Firearms Prohibition (s. 109 CC)
	CC 465(1)(A)	<ul style="list-style-type: none"> • 13 Years • Mandatory Firearms Prohibition (s. 109 CC)
18-DEC-2003	CC 327(1)	<ul style="list-style-type: none"> • Fine: \$200.00
31-JUL-2002	EA 240(1)	<ul style="list-style-type: none"> • Fine: \$11,748.00
16-JUL-2002	CC 90(1)	<ul style="list-style-type: none"> • Fine: \$300.00 • Victim Surcharge: \$45.00
21-FEB-2002	CC 91(2)	<ul style="list-style-type: none"> • Suspended Sentence • Victim Surcharge: \$50.00 • Probation Duration: 2 Years
08-SEP-1997	CC 368(1)(A)	<ul style="list-style-type: none"> • Secure Custody Duration: 1 Month Consecutive Continuous Custody at a Provincial Facility • Probation Duration: 24 Months
	CC 380(1)(B)(I)	<ul style="list-style-type: none"> • Secure Custody Duration: 1 Month Concurrent Continuous Custody at a Provincial Facility • Probation Duration: 24 Months • Restitution Amount: \$1,624.04
	CC 740(1)	<ul style="list-style-type: none"> • Secure Custody Duration: 1 Month Consecutive Continuous Custody at a Provincial Facility • Probation Duration: 24 Months
	CC 380(1)(B)	<ul style="list-style-type: none"> • Secure Custody Duration: 1 Month Consecutive Continuous Custody at a Provincial Facility • Probation Duration: 24 Months
	CC 740(1)	<ul style="list-style-type: none"> • Secure Custody Duration: 1 Month Consecutive Continuous Custody at a Provincial Facility • Probation Duration: 24 Months
	CC 380(1)	<ul style="list-style-type: none"> • Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility • Probation Duration: 3 Years • Restitution Amount: \$35.63
	CC 362(1)(A)	<ul style="list-style-type: none"> • Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility • Probation Duration: 3 Years
	CC 362(1)(A)	<ul style="list-style-type: none"> • Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility • Probation Duration: 3 Years • Restitution Amount: \$211.33

10-JAN-1996	CC 362(1)(A)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years
	CC 380(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years
	CC 380(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years
	CC 380(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years
	CC 380(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years Restitution Amount: \$567.46
	CC 380(1)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years Restitution Amount: \$342.85
	CC 380(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years Restitution Amount: \$327.09
	CC 380(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years
	CC 368(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 90 Days Concurrent Intermittent Custody at a Provincial Facility Probation Duration: 3 Years
22-FEB-1994	CC 334(B)	<ul style="list-style-type: none"> Fine: \$200.00 Victim Surcharge: \$20.00 Probation Duration: 6 Months
24-JAN-1994	MVA 287(2)	<ul style="list-style-type: none"> Fine: \$300.00 Court Cost: \$20.00 Victim Surcharge: \$45.00
	CC 334(B)	<ul style="list-style-type: none"> Suspended Sentence Probation Duration: 6 Months Restitution Amount: \$160.00
22-NOV-1993	CC 740(1)	<ul style="list-style-type: none"> Fine: \$300.00 Victim Surcharge: \$30.00
16-SEP-1992	CC 334(B)(II)	<ul style="list-style-type: none"> Fine: \$100.00 Victim Surcharge: \$10.00

10-JUL-1991	CC 334(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 12 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 348(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 12 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 348(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 12 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 334(B)(I)	<ul style="list-style-type: none"> Secure Custody Duration: 6 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 355(B)(II)	<ul style="list-style-type: none"> Secure Custody Duration: 6 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 334(A)	<ul style="list-style-type: none"> Secure Custody Duration: 6 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 348(1)(A)	<ul style="list-style-type: none"> Secure Custody Duration: 12 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 355(B)	<ul style="list-style-type: none"> Secure Custody Duration: 6 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 348(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 12 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 355(B)(II)	<ul style="list-style-type: none"> Secure Custody Duration: 6 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 348(1)(A)	<ul style="list-style-type: none"> Secure Custody Duration: 12 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 334(A)	<ul style="list-style-type: none"> Secure Custody Duration: 6 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 348(1)(B)	<ul style="list-style-type: none"> Secure Custody Duration: 12 Months Consecutive Continuous Custody at a Provincial Facility Probation Duration: 2 Years
	CC 334(B)	<ul style="list-style-type: none"> Secure Custody Duration: 6 Months Concurrent Continuous Custody at a Provincial Facility Probation Duration: 2 Years

07-NOV-1989	CC 253(B)	<ul style="list-style-type: none"> • Fine: \$300.00 • Probation Duration: 6 Months • License Suspension Period: 07-NOV-1989 to 07-NOV-1990 • Community Service Hours: 40
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Victim Impact Statements, Presentence Report, IRCA, Gladue Report

[7] The parties advise that there have been no Victim Impact Statements filed. Additionally, there is no Presentence Report, IRCA, or Gladue Report in this case. Mr. Greenwood has been in custody since December 9, 2010, so no PSR would be helpful. Neither an IRCA, nor a Gladue Report, are relevant to Mr. Greenwood.

[8] Ms. Lundrigan advises that since first going into custody in 2010, Mr. Greenwood has been moved from a supermax prison to a low-medium institution. He has had no institutional misconducts during his many years in prison and has taken advantage of many programs since his incarceration in 2010.

Legislation

[9] Section 236 of the *Criminal Code* sets out the penalty for manslaughter:

236 Every person who commits manslaughter is guilty of an indictable offence and liable

(a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and

(b) in any other case, to imprisonment for life.

[10] Sections 718 to 718.3 of the *Criminal Code* set out the legislated considerations for a sentencing judge.

Aggravating and Mitigating Factors

Aggravating Factors

[11] The aggravating factors include two shooting deaths during the course of a violent crime that was planned in advance.

Mitigating Factors

[12] The mitigating factors include the complicated procedural history of this case, including Mr. Greenwood's various successful appeals, combined with the fact that Mr. Greenwood has pled guilty in the face of a weakening Crown case.

Manslaughter Decisions

[13] Sentencing decisions in manslaughter cases provide for a broad range of dispositions. Beveridge J.A., for the court, in *R. v. Landry*, 2016 NSCA 53, stated that there is a wide scope of sentences available for manslaughter. Beveridge J.A. set out the facts in that case, describing a crime that was very close to murder (para. 10 - 22). Beveridge J.A. reviewed the law respecting the range of sentence for manslaughter in Nova Scotia (some citations omitted):

[63] The appellant argues that 14 years' incarceration is outside the acceptable range of sentence, and asks this Court to reduce it to one of 10 year's incarceration.

[64] The range of sentence for manslaughter is necessarily broad. The offence covers unlawful acts causing death that are near accident to ones that are "near murder". It also covers conduct that is murder, but is reduced to manslaughter by the statutory defence of provocation.

[65] For most cases of manslaughter in Nova Scotia where the circumstances are not near accident, sentences usually range between 4 and 10 years' incarceration. But that does not mean a higher sentence is outside the acceptable range.

[66] In *R. v. Lawrence* (1999), 172 N.S.R. (2d) 375, 1999 NSCA 41, the offender was charged with first degree murder, but the jury convicted him of manslaughter. The offender's pride had been hurt. He persisted in confronting the victim with a firearm, and shot at the deceased seven or eight times. The trial judge sentenced the offender to the equivalent of 15 years' incarceration.

[67] On appeal, the offender argued that the sentence was excessive as being outside the 4 to 10 year range. This proposition was rejected. Cromwell J.A., as he then was, writing for the Court reasoned:

[14] In my opinion, there is not a 4 to 10 year "range" for manslaughter if the word "range" is used to suggest that manslaughter sentences ought generally to fall within those limits. Cases from this and other courts of appeal emphasize that manslaughter is an offence that may be committed in an exceptionally wide variety of circumstances and for which the legal limits of possible sentences are very great... These factors combine to make it unusually difficult to establish any benchmark or range of fit sentences for such offences... As Kelly, J. said in *R. v. Smith*, [1986] N.S.J. No. 424, this Court has observed that the great majority of cases in fact receive sentences between four and ten years, but the Court has not held that

manslaughter sentences should be restricted to or ought to fall within that range. The Court has, for example, upheld sentences of 20 years and 15 years respectively in *R. v. Julian* (1974), 6 N.S.R. (2d) 504 (C.A.) and *R. v. Gregor* (1953), 31 M.P.R. 99. **I do not accept the appellant's argument that 10 years sets the upper limit, or that the period of between 4 to 10 years defines the acceptable range for manslaughter sentences.**

[15] While previous sentencing decisions here and elsewhere are helpful in considering the question of fitness, the principal focus on appeal must be whether this sentence, for this offender and for this offence, is unreasonable. **While sentences greater than 10 years constitute a small component of the total of all sentences imposed for manslaughter, there are numerous examples of such sentences...**

[68] These principles were affirmed in *R. v. Henry*, 2002 NSCA 33. The Crown appealed from imprisonment of two years' less a day to be served by way of a conditional sentence order. The offender had observed a man assaulting a young woman. He intervened and stopped the assault. The victim left. The offender followed. He tapped the victim on the shoulder. When he turned, the offender punched him once in the jaw. The blow caused the victim to fall. He died when his head struck the sidewalk.

[69] The appeal was allowed and a sentence of four years' incarceration imposed. With respect to the principles to be applied, Roscoe J.A., for the Court, wrote:

[19] A significant distinguishing factor between cases where a low or non-penitentiary term is appropriate and those where a lengthy sentence is imposed for manslaughter is the moral blameworthiness or fault of the offender (*Creighton, supra*). The court, while of course giving due weight to all the principles of sentencing must assess the extent of moral blameworthiness in a particular case, and should consider where on the spectrum, from almost accident to almost murder, the particular offence falls. **Obviously, the nearly equivalent to murder offences will, in general, attract a sentence higher than the majority,** for example *Julian, supra*, and those closer to an accidental killing will generally fall below the average...

[Emphasis added in original; as appears in original.]

[14] In the present case, the facts supporting Mr. Greenwood's manslaughter convictions are at the higher end of the scale of moral blameworthiness, more akin to murder than to an accidental killing. Moral blameworthiness is a paramount consideration when determining the appropriate length of sentence for manslaughter. The question of how to weigh moral blameworthiness was considered in *R. v. Laberge*, 1995 ABCA 196, where Fraser C.J.A. stated:

[7] How should a court determine the moral blameworthiness of an offender for a crime? What makes one offender more or less culpable than another for what he has done? The first point is that, for sentencing purposes, one must make a clear distinction between fault in terms of an offender's *mens rea* at the time of commission of an offence and fault in terms of the offender's overall moral blameworthiness for the crime. The two are not the same. Confusion sometimes arises because fault for conviction purposes generally turns on the question of an offender's *mens rea*. This doctrinal aspect looms large in assessing criminal culpability because of the need to ensure that the offender's mental state meets the constitutionally required level of moral blameworthiness to convict him of the offence in question: *R. v. Martineau*, [1990] 2 S.C.R. 633.

[8] However, for sentencing purposes, a court is not limited to evaluating moral blameworthiness in terms of an offender's mental state. Indeed, it would be quite wrong to engage in that kind of a contextual analysis. That is because the offender's level of moral culpability will be influenced by other factors. In the case of unlawful act manslaughter, the most important of these will be what the unlawful act itself involved. The nature and quality of the unlawful act itself, the method by which it was committed and the manner in which it was committed in terms of the degree of planning and deliberation are all relevant to this inquiry.

[9] Unlawful acts may be divided into three broad groups: those which are likely to put the victim at risk of, or cause, bodily injury; those which are likely to put the victim at risk of, or cause, serious bodily injury and those which are likely to put the victim at risk of, or cause, life-threatening injuries. Only when the offender's proven mental state at the time of commission of the offence is evaluated in the context of the crime itself, in other words in terms of its relative degree of seriousness, is it possible to classify for sentencing purposes the degree of fault inherent in the crime committed.

[Emphasis in original]

[15] Since moral blameworthiness is the key consideration in determining the appropriate length of sentence for manslaughter, the closer the facts are to murder, the greater the moral blameworthiness, and generally the higher the sentence. The circumstances around the shooting deaths of Mr. Mersereau and Ms. Christensen push Mr. Greenwood's crime to the higher end of the range of the moral blameworthiness scale.

Credit For Guilty Plea

[16] In addition to the aggravating and mitigating factors under consideration, a reduction in sentence due to a guilty plea is a long-accepted sentencing principle. The Crown originally charged Mr. Greenwood with two counts of first degree murder. He was convicted of the murders twice, the matters were sent back for re-

trial on each occasion, and, following protracted plea negotiations, he has now entered guilty pleas to two counts of manslaughter in advance of trial. In *R. v. Friesen*, 2020 SCC 9, the court confirmed that the mitigating weight to be given in relation to a guilty plea varies, depending on the strength of the Crown's case:

[164] We are unpersuaded by Friesen's argument that appellate intervention was justified because Judge Stewart did not give sufficient consideration to Friesen's guilty plea. A guilty plea is a recognized mitigating factor; failure to consider a guilty plea as mitigating can constitute an error in principle. However, even if Judge Stewart did err by failing to mention Friesen's guilty plea, we are not convinced that any such error had an impact on the sentence... The Crown's case against Friesen was overwhelming because his criminal conduct was audio-recorded. In these circumstances, Friesen's guilty plea is entitled to less weight... A guilty plea does have other advantages that count in mitigation, such as saving court resources and providing a degree of finality to the victims.... However, we are not convinced that any of these advantages were sufficient such that explicit consideration of the guilty plea would have impacted the sentence.

[17] Several pre-*Friesen* cases discuss the mitigating impact of a guilty plea. In *R v. Doucette*, 2015 PECA 5, the court considered the mitigating impact of a guilty plea, and the resulting reduction in sentence:

[20] There is truth in the old adage that one who pleads not guilty seeks justice while one who pleads guilty seeks mercy. Absent good reason, a guilty plea must be taken into account in mitigation of sentence... There are two schools of thought as to why a guilty plea is a mitigating factor. The first is that a guilty plea is an expression of remorse and an acceptance of responsibility. The more pragmatic rationale is that it saves the justice system the time and expense of a trial. These two rationales were articulated by MacDonald J. in *R. v. Bruce* (1982), 35 Nfld. & P.E.I.R. 530 (PEICA), at para.14:

A second mitigating factor referred to by the trial judge was that she had pleaded guilty thereby saving a lengthy trial and this could also be taken as a sign of her remorse. Numerous courts have held that a guilty plea should be taken into consideration on a sentencing: *R. v. Johnston and Tremayne*, [1970] 4 C.C.C. 64 (Ont. C.A.); *R. v. Carriere* (1952), 14 C.R. 391 (Que. C.A.). It has also been stated that a guilty plea should be given less weight where there is such a preponderance of evidence against the accused that the only reasonable choice or option left open is a plea of guilty. *R. v. Spiller*, [1969] 4 C.C.C. 211 (B.C.C.A.). In the present case the respondent had signed a statement in which she had admitted her guilt and it could be said that her only choice was to plead guilty. However, if the rationale for a policy of decreasing sentence where a guilty plea had been entered, is based on the consideration of the time saved by not having a trial,

I am unable to accept the proposition that there should be less weight given to a guilty plea from a person who has been inescapably caught. I would agree with the trial judge that the guilty plea by the respondent should be a mitigating circumstance. ...

[21] In my view either or both rationales may be used to justify a reduction in sentence. The amount of credit engendered by a guilty plea however depends on the circumstances of the case. Some courts have held that a guilty plea can justify a discount of up to 25 to 33% (*R. v. Weiler*, 1991 CanLII 2747 (PESCTD)). That does not mean, however, that a guilty plea merits such a discount in every case (*R. v. Lyons*, [1991] P.E.I.J. No. 10 (PEICA)). There may well be cases where there is good reason to grant no reduction for a guilty plea. For example, a guilty plea entered at trial after the Crown has called some or all of its case is a recognition of the inevitable and not an expression of remorse nor does it save any appreciable time and expense. Such a guilty plea would merit little or no reduction in sentence.

[22] Where a reduction in sentence is warranted, it is not simply a matter of a mathematical calculation. There are many factors to consider including, but not limited to, ...the strength of the Crown's case, the nature of the case, the timing of the guilty plea, whether the guilty plea saves a vulnerable victim from testifying, and the circumstances of the offender including his criminal record to mention a few.

[18] In *R. v. Mills* (1993), 131 N.S.R. (2d) 71, [1993] N.S.J. No. 596 (S.C.T.D.), Glube CJTD (as she then was), acknowledged that a discount of one quarter to one third of the custodial sentence can be an appropriate consideration of a guilty plea:

14 You have co-operated with the system by pleading guilty and saved the state obviously time and expense, and it is an important factor. One of the cases which was referred to me by the crown talks of looking at a guilty plea resulting in a discount of one quarter to one third of the time. Also you have spent two months in custody, which is often considered to be double the time because it does not count towards any eligibility for parole.

...

19 Although Mr. Kenny was obviously not one of the masterminds, his role was clearly a vital one to the whole scheme. Considering all of the factors which I previously mentioned, including the guilty plea, the lack of a criminal record, the several months of incarceration awaiting sentence, and the sentences already imposed upon others involved in this same case, the sentence of this court shall be eight years in a federal penitentiary on the charge of conspiracy to traffic in cannabis resin; and eight years to run concurrently on the second count of possession of cannabis resin for the purpose of trafficking.

[19] In the present case, the Crown advises that three Crown witnesses have died since the original trial, and two more are likely unavailable. The Crown would

have had significant challenges proceeding to a third trial, more than 25 years after the shootings. In tangentially commenting on the strength of the Crown's case in *R. v. Greenwood*, 2022 NSCA 53, Farrar J.A., for the court, stated:

[179] I would allow the appeal, overturn both convictions, and order a new trial **should the Crown choose to proceed in that manner.**

[Emphasis added]

[20] While the crimes which Mr. Greenwood committed are horrendous, he is entitled to an appreciable reduction in sentence for accepting responsibility and entering guilty pleas in these highly unusual, and unlikely to be repeated, circumstances.

Concurrent Sentences

[21] Crown and defence agree that because the shootings occurred at essentially the same time, the 15-year manslaughter sentences should run concurrent to each other, with time considered to have been served due to the combination of Mr. Greenwood's remand time and time served on the two previous sentences, all in relation to these charges.

Joint recommendation

[22] Significantly, the Crown and defence have agreed to a joint recommendation following what can only be described as very protracted negotiations. In *R. v. Anthony-Cook*, 2016 SCC 43, [2016] 2 S.C.R. 204, Moldaver J., for the court, set out the test for following joint sentencing recommendations:

[32] Under the public interest test, a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. But, what does this threshold mean? Two decisions from the Newfoundland and Labrador Court of Appeal are helpful in this regard.

[33] In *Druken*, at para. 29, the court held that a joint submission will bring the administration of justice into disrepute or be contrary to the public interest if, despite the public interest considerations that support imposing it, it is so "markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the criminal justice system". And, as stated by the same court in *R. v. B.O.2*, 2010 NLCA 19, at para. 56, when assessing a joint submission, trial

judges should “avoid rendering a decision that causes an informed and reasonable public to lose confidence in the institution of the courts”.

[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.

[23] The disposition of 15 years in prison, less credit for time served both on remand and serving sentence, to be served concurrently, being jointly recommended for Mr. Greenwood is the result of a true negotiated plea, is within the range for similar offenders having committed manslaughter, and is in accordance with the range of sentence for this crime as set out by the Nova Scotia Court of Appeal.

Disposition for Leslie Douglas Greenwood

[24] I accept the joint recommendation and sentence Mr. Greenwood to 15 years in custody on each count, to be served concurrently. The joint recommendation proposes that credit for remand time and time spent in custody serving sentence is, when combined, equivalent to 15 years in custody. Therefore, Mr. Greenwood’s sentences are considered served by his time already spent in custody in relation to these matters.

[25] No sentence I impose can bring back the life of a loved one or take away the grief and loss felt by those who are left behind. No sentence can ever make up for the lives of Kirk Mersereau and Nancy Christensen. All I can do is impose a fit and appropriate sentence as best I can based on the applicable sentencing principles knowing that it may seem inadequate to some. The aftermath of these shootings will never end for Mr. Mersereau and Ms. Christensen’s family, friends, and community.

[26] The punishment being imposed on Mr. Greenwood has nothing to do with the value of Kirk Mersereau and Nancy Christensen’s lives. Mr. Greenwood has admitted responsibility for their deaths, the Crown has accepted guilty pleas to the included offences of manslaughter, Crown and defence have jointly submitted an

agreed statement of facts outlining the circumstances of the offence, and the parties have made a true joint recommendation on sentence.

Ancillary Orders

[27] The ancillary orders requested by the Crown, and agreed to by the defence, include:

- i. A mandatory DNA order;
- ii. A section 109 lifetime weapons prohibition.

Conclusion

[28] Leslie Douglas Greenwood has pleaded guilty to two counts of manslaughter in relation to the deaths of Kirk Mersereau and Nancy Christensen. Crown and defence jointly recommend that the appropriate sentence is 15 years in custody on each count, to be served concurrently. Crown and defence agree that credit for remand time and time spent in custody serving sentence is, when combined, equivalent to 15 years in custody. Therefore, Mr. Greenwood's sentences are considered served by his time already spent in custody in relation to these matters.

[29] He will also be subject to the ancillary orders, including DNA, and a lifetime firearms prohibition, as detailed above.

Arnold, J.