

IN THE SUPREME COURT OF NOVA SCOTIA

**Citation:** R. v. R.D. H., 2005 NSSC 34

**Date:** 20050209

**Docket:** CRSBW 230908

**Registry:** Bridgewater

**Between:**

Her Majesty the Queen

Respondent

v.

R. D. H.

Appellant

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Gerald R. P. Moir

**Heard:** 23 November 2004 (Written Submission Received 5 January 2005)

**Subject:** Sentence Appeal; Conditional Sentence, Joint Recommendation Refused.

**Summary:** Crown and defence jointly recommended a conditional sentence as part of a plea bargain. Judge gave a jail term.

**Issues:** Whether Judge ought to have given parties notice he was considering rejection?  
Whether recommended sentence is fit.

**Result:** Appeal allowed. In light of *R. v. MacIvor*, the Judge ought to have given notice. Also, the recommended sentence was fit.

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