

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Murphy*, 2015 NSCA 14

Date: 20150205

Docket: CAC 422769

Registry: Halifax

Between:

Jonathon David-James Murphy

Appellant

v.

Her Majesty the Queen

Respondent

Judge:

The Honourable Justice David P.S. Farrar
The Honourable Justice J.E. (Ted) Scanlan dissenting

Appeal Heard:

December 4, 2014, in Halifax, Nova Scotia

Subject:

Criminal Law. Sentencing. Criminal Code, s. 719(3)

Summary:

The appellant was convicted of a number of offences relating to a home invasion break and enter on January 25, 2013. He was sentenced to eight years and six months imprisonment. Mr. Murphy appeals arguing that the sentencing judge failed to give him credit for 441 days – the time he spent on remand prior to sentencing.

Issues:

Did the sentencing judge err by failing to credit the appellant for time served in pre-sentence custody?

Result:

The majority held that the appeal should be allowed. The sentencing judge erred in failing to give the appellant credit for the time he spent on remand. The dissenting judge would have dismissed the appeal finding that the sentencing judge properly took into account remand time in formulating his overall sentence and, further disagreed with the final disposition on sentence.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 26 pages.

