

**NOVA SCOTIA COURT OF APPEAL**

**Citation: *R. v. Reykdal*, 2008 NSCA 110**

**Date:** 20081203

**Docket:** CAC 292311

**Registry:** Halifax

**Between:**

Glen Jarred Reykdal

Appellant

v.

Her Majesty the Queen

Respondent

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**Judge:** The Honourable Justice Nancy Bateman

**Appeal Heard:** November 12, 2008

**Subject:** **Sentencing - robbery and assault**

**Summary:** The appellant, who was represented by counsel at the sentencing hearing, received a five year sentence for robbery and a one year sentence for assault with a weapon, the offences committed within seven months of each other. Both were crimes of violence. He had a record of nine priors including one for break and entry and another for assault, for which he had received a conditional disposition. He is a 27 year old aboriginal offender but was adopted at an early age and raised in a non-native community by a loving family. He suffers from fetal alcohol syndrome. Substance abuse drives his criminal behaviour.

**Issue:** Self-represented on appeal, the offender says the sentence is excessive.

**Result:** Leave to appeal granted but appeal dismissed. While it would have been preferable had the judge expressly adverted to the *Gladue* report, he was alive to the particular early hardships

suffered by this aboriginal offender. The sentence was not reflective of error in principle or over or under emphasis of relevant factors and, applying the deferential standard of review, was not demonstrably unfit.

**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 5 pages.**