

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Melvin*, 2003 NSCA 142

Docket: CAC 191562

Registry: Halifax

Between:

James Bernard Melvin

Appellant

v.

Her Majesty The Queen

Respondent

JUDGE: Glube, C.J.N.S.

APPEAL HEARD: December 3, 2003

JUDGMENT DELIVERED: December 15, 2003

SUBJECT: Sentence Appeal

SUMMARY: Guilty plea to charge of conspiracy to traffic in cocaine. Accused arranged for a person to bring him cocaine while he was in prison serving a 2 ½ year sentence for 5 offences, including a trafficking offence. Judge imposed a 3 year sentence.

ISSUE: Fitness of the sentence

RESULT: Decision of sentencing judge not based on a misunderstanding of ***R. v. Thompson***, [1994] O.J. No. 2855 (Ont. Gen Div.) or that accused in a commercial or profit-driven enterprise. The judge emphasized appropriate aggravating and mitigating factors. Three years held to be a fit 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 4 pages.