

**PROVINCIAL COURT OF NOVA SCOTIA**

Cite as: R. v. Crawford, 2012 NSPC 108

**Date:** November 8, 2012

**Docket:** 2450649

**Registry:** Pictou

**Between:**

Her Majesty the Queen

v.

Prosper Thomas Crawford

**Judge:** The Honourable Judge Del Atwood

**Heard:** November 8, 2012 in Pictou, Nova Scotia

**Charge:** Arson, Section 434 of the *Criminal Code*

**Counsel:** Jody McNeill, for the Nova Scotia Public Prosecution  
Service  
Stephen Robertson, Nova Scotia Legal Aid, for Prosper  
Thomas Crawford

**By the Court:**

[1] The court has for sentencing Prosper Crawford. Mr. Crawford elected to have his indictable arson charge heard in this court and entered a guilty plea to that charge: intentionally or recklessly causing damage by fire to the property of Alfred Roy Wilson contrary to Section 434 of the *Criminal Code*.

[2] What the Crown Attorney told me, Mr. Crawford, about what happened was that you set fire to grass. It wasn't far from somebody's home. It could have been very dangerous, and if someone had died, you could have been charged with murder or manslaughter or something like that. If that had happened, instead of being able to go back to the Thomas Lane Home, you'd be going off to Renous, Springhill, one of those federal prisons for years and years. No more of this. It has to stop.

[3] Your lawyer has made a very good case for you to stay out of jail. The Crown Attorney is being very reasonable here in agreeing with that. The court is going to follow what has been worked out by the lawyers.

[4] The court is going to, first of all, waive any victim-surcharge amount. Mr. Crawford lives in an assisted-living residence, and I know, Mr. Crawford, that getting a job would be very hard for you. A victim-surcharge amount would be an undue hardship.

[5] There will be a secondary-designated-offence DNA collection order. I have to prohibit you under Section 109 of the *Criminal Code* from possessing any firearm, other than a prohibited firearm or restricted firearm and any cross-bow, restricted weapon, ammunition and explosive substance for a period of ten years and 14 months. You are also prohibited from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life.

[6] You are going to be placed on a 14-month conditional sentence order—that's a jail sentence, but you'll be able to do your time at the Thomas Lane Home— to keep the peace and be of good behaviour, which means don't get into any more trouble; appear before the court when required to do so by the court; report to a supervisor at 115 MacLean Street, New Glasgow, Nova Scotia, no later than 4 pm

on November 13<sup>th</sup>, 2012, and after that you have to go back there whenever your supervisor tells you. Stay in the Province of Nova Scotia unless you get written permission from your supervisor and notify your supervisor right away of any change of your name, address, employment or occupation. You have to go for mental-health assessment and counselling when your supervisor says so, as well as any other assessment, counselling or programming directed by your supervisor especially counselling to stop you from starting fires. Attend, participate and cooperate with any assessment, counselling or program directed by your supervisor. You have to stay away from Alfred Roy Wilson and Cassandra Moulton, and don't go near the places where they live or work, don't contact them or talk to them in any way. No exceptions.

[7] You have to follow the rules of the Thomas Lane home all the time. You are to be subject to electronic supervision as directed by your supervisor, which means you have to wear an ankle bracelet that tells people where you are. Take your medication prescribed for you by your doctor. Follow any voice recognition house arrest check directed by your supervisor. You're not to have any matches, lighters, incendiary, that means fire-starting, devices or magnifying glasses or

lenses. And you are to allow yourself to be searched by any police officer to check whether you are in possession of any of those things.

[8] You are to remain in the residence and on the grounds of the Thomas Lane Home, Temperance Street, Westville, Nova Scotia, or any other residence or home approved in writing by your supervisor in advance of any move at all times beginning at 4 pm today and ending on the expiration of the conditional sentence order, subject to these exceptions ... so the only exception that the parties wish the court to impose would be “in the company of a supervisor from Thomas Lane or with Mr. Crawford’s father”?

[9] **Mr. Robertson**: Yes, Your Honour.

[10] **The Court**: Thank you. So, the only exception to that house arrest will be: when in the company of a supervisor from the Thomas Lane Home or your father, James Crawford, who is able to provide immediate and direct supervision. You are to prove compliance with the house arrest condition by presenting yourself at the entrance of where you live, should your supervisor or a peace officer show up

there to check, and you are to carry with you at all times when outside your residence a copy of your conditional sentence order papers.

[11] When your conditional sentence order ends, you will be on probation for 12 months. It will have all the same conditions as in the conditional sentence order, except for the electronic supervision and the conditions that have to do with the house arrest. Anything further for Mr. Crawford, counsel?

[12] **Mr. Robertson**: Two small changes, Your Honour. Instead of using the word “supervisor”, perhaps a “staff member”.

[13] **Mr. McNeill**: The Crown has no problem with that.

[14] **The Court**: Yes.

[15] **Mr. Robertson**: A third exception would be: “or another representative of the Riverview Corporation” because there may be other people who take him places or go somewhere. Some who’s not strictly an employee of Thomas Lane,

but yet, still in a general supervisor capacity. So, or other representative of the Riverview Home. Riverview Home Corporation?

[16] **The Court:** So, that will now read ... that exception with now read, Mrs. Cunningham, “when in the company of a staff member of Thomas Lane or a staff member of the Riverview Corporation or in the company of James Crawford, and they are able to see you at all times”. That’s the way we’ll word that.

[17] So, Mr. Crawford, those are going to be the rules for the next 26 months. Now, if you break any of the rules, in all likelihood you’ll get arrested and have to come back in court and instead of going out that back door with your dad, you’ll wind up going out that side door off to jail with the sheriffs. I know you don’t want that to happen. Your dad does not want that to happen. If your dad saw you going off to jail again, I think it would break his heart. You’ve got a lot of work to do. I think that you can do it. The people at the ... with the Riverview Corporation are going to help you , but you are going to have to do a lot of things yourself. Follow the rules. That’s what it’s all about. That’s what everybody does. The best way to stay out of court is to follow these rules: Respect other people. Respect their property. If you do that, you’re not going to land back in court. Follow these rules, Mr. Crawford. Just have a seat out in the lobby of the

court. Someone's going to call your name, get you to sign some papers. Once everything has been explained to you and signed, then you'll be able to go back home and start doing what you're supposed to do. Okay. Just have a seat outside, please.

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J.P.C.