



NOVA SCOTIA
PUBLIC PROSECUTION SERVICE

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SENTENCING - SUPREME COURT

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SENTENCING – SUPREME COURT

This practice memorandum applies to cases where there has been an interval of more than two clear days between the finding of guilt or the plea of guilty and the sentencing hearing.

Whereas the Judges of the Supreme Court recognize sentencing to be a duty of considerable responsibility and are desirous of being well informed prior to the sentencing hearing.

And whereas the Judges of the Supreme Court are sensitive to the concerns of the Bar that resources do not permit extensive prehearing memoranda.

And whereas it is the intention that the following practice memorandum balance these concerns:

"At least two clear days before a sentencing hearing, unless waived by the presiding judge, counsel shall submit in writing to the judge who will preside at the hearing:

- (1) A brief statement of facts;
- (2) A brief statement of the position of counsel which shall include suggestions as to the appropriate sentence or range of sentence;
- (3) The criminal record of the accused;
- (4) A notation of any cases on which counsel rely."

At the time of entering a plea of guilty or of a finding of guilt questions will be addressed to counsel in accordance with the attached check list.

JUSTICES' SENTENCING CHECK LIST

When setting a date for sentencing, the presiding Justice may wish to consider questioning counsel on the following topics:

I. PRE-SENTENCE REPORT (P.S.R.)

Is either counsel requesting a Pre-Sentence Report? Crown Defence

Reason for Request: _____

P.S.R. ordered

II. CIRCUMSTANCES OF THE OFFENCE(S)

(This question need only be asked if there has been a Guilty Plea)

Does Defence counsel anticipate any dispute with the facts? Yes No

If so, what allegations of the circumstances of the offence(s) are likely to be disputed? _____

Does the Crown intend to call evidence re disputed fact(s)? Yes No

Does the Defence intend to call evidence re disputed fact(s)? Yes No

III. CRIMINAL RECORD OF ACCUSED

Is the Crown alleging a prior criminal record? Yes No

If yes: Is Defence aware of the alleged record? Yes No

If yes: Is Defence contesting the alleged record? Yes No

If yes: Will Crown call evidence on the disputed record? Yes No

Will Defence call evidence on the disputed record? Yes No

IV. VICTIM IMPACT STATEMENT

Will a V.I.S. be introduced? Yes No

If Yes: Does Defence wish to cross-examine on V.I.S.? Yes No

N.B. Counsel to advise if additional time is required.

V. DEFENCE EVIDENCE

Will there be any Defence evidence, e.g. character? Yes No

VI. TIME NEEDED FOR SENTENCE HEARING _____ **Hours**