

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *R. v. MacDonald*, 2019 NSCA 5

**Date:** 20190201

**Docket:** CAC 476730

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

Donald Joseph MacDonald

Respondent

**Judges:** Beveridge, Farrar and Bryson, JJ.A.

**Appeal Heard:** January 24, 2019, in Halifax, Nova Scotia

**Held:** Appeal dismissed, per reasons for judgment of the Court;

**Counsel:** Glenn Hubbard, for the appellant  
Douglas Lloy, Q.C., for the respondent

## **Reasons for judgment:**

[1] The Crown seeks leave to appeal and if granted appeals from a non-custodial sentence imposed by the Honourable Judge Del W. Atwood on a 61-year-old first offender for the offence of break, enter and commit mischief into a residence contrary to s. 348(1)(b) of the *Criminal Code*.

[2] The Crown contends that the trial judge committed several errors in principle and the sentence is inadequate.

[3] Sentencing is a discretionary decision. A sentencing judge is required to consider the objectives and sometimes competing principles of sentencing codified in s. 718 of the *Criminal Code*, and arrive at a just and appropriate sanction in light of the circumstances of the offence and of the offender.

[4] Judge Atwood thoroughly canvassed the objectives and principles of sentence (2018 NSPC 25). While we grant leave, we are not convinced that the trial judge committed any error in principle, nor is the sentence demonstrably unfit.

[5] The appeal is therefore dismissed.

Beveridge, J.A.

Farrar, J.A.

Bryson, J.A.