

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Simmonds*, 2009 NSSC 344

**Date:** 20091113

**Docket:** CRH 297050

**Registry:** Halifax

**Between:**

Her Majesty The Queen

v.

Earlando Lee Simmonds

**Judge:** The Honourable Justice M. Heather Robertson

**Heard:** November 13, 2009, in Halifax, Nova Scotia

**Oral Decision:** November 13, 2009 (**Sentencing**)

**Written Release:** November 17, 2009

**Counsel:** Susan Y. Bour, for the Crown  
Trevor McGuigan, for the defendant

**Robertson, J. (Orally):**

[1] In passing this sentence I am mindful of the requirements of sections 718.1 and 718.2 of the *Criminal Code*. This is a tragedy Mr. Simmonds. I feel pretty badly this morning because you appear to be a decent guy who started out okay and you have a lovely family who is sitting right behind you. They are all a wreck because you pretty much disgraced them and disappointed them to the quick when they believed in you. You had so much hope and promise.

[2] I was not sure what to make of the pre-sentence report. I thought there was some positive information in there but, then I did not know whether you were being serious or not describing yourself as an entrepreneur. You certainly were being an entrepreneur in the wrong field when you started selling crack cocaine. This is the dumbest thing you have probably ever done. But, you did not do it just once according to the facts of the case now read into the record. You know you were busy. You had a little industry going on and that was moronic and as a consequence you are going to be in a federal institution for two years.

[3] I accept the joint recommendation and I hope you think of your family a whole lot while you are away and you realize that they will be there for you when you get out. You are a smart young man. You could do well. You can take the opportunities that are there for you and go to university. You can study. You can be whatever you want to be. And, I like the fact that you were a role model in your community and helped kids and you were a good coach. There is a lot that is wonderful about you and I hope you learn this very sad lesson today and go off and make your family proud of you. Alright. Thank you.

**MS. BOUR:** I trust the orders will be imposed as well.

**THE COURT:** All of the orders will be accepted. A ten year mandatory firearms prohibition under section 109 of the *Criminal Code*; forfeiture of all the items seized; and a D.N.A. order under section 487.05 of the *Criminal Code*.

Justice M. Heather Robertson