In the Provincial Court of Alberta

Citation: R. v. Ranger, 2012 ABPC 240

Date: 20120817
Docket: 110468980P1
Registry: Edmonton

Between:

Her Majesty the Queen

- and -

Robert Steve Ranger

Accused

Reasons for Sentence of the Honourable Judge D.R. Valgardson

Introduction

[1] On January 26, 2012 the accused was convicted after trial of 21 counts on a 28 count Information relating to offences which occurred on February 22, 2010. Broadly speaking the convictions related to driving offences (including criminal flight), drug offences, property offences, and offences against the administration of justice. As Defence counsel at an early stage had identified an issue relating to unreasonable use of force, the matter was then scheduled for a sentence hearing. The evidence of the accused was offered during the hearing held on July 4, 2012. Although a *Charter* notice was filed concerning the unreasonable use of force issue, Defence counsel advised that the approach he proposed in the present case was to request a reduction in sentence if it were found on a balance of probabilities that unreasonable force was used by police in arresting the accused.

[2] During the sentencing I indicated that I would provide written reasons. These are those reasons. If there is any variation between what was said in Court and these reasons, the reasons will govern.

Facts Surrounding the Arrest

Testimony of Constable Williamson

[3] Cst. Williamson, a member of the Edmonton Police Service Canine Unit was operating a marked police cruiser with Police Service Dog ("PSD") Quanto in west division. He became aware of a criminal flight response by west division patrol members as a result of radio communications. He was dispatched at 2:42 a.m. and arrived at the area of the Penn West compound on Rural Route 262 at approximately 2:46 a.m. Air One had located the vehicle which had fled, stuck in a snow bank in the Penn West industrial compound lot. Cst. Williamson was directed to stay on the road and informed that the accused was on foot and lying in a field. He parked on Rural Route 262 and located the accused on the other side of a chain link fence, topped by barbed wire. He maintained his position in case the accused travelled in his direction. Other police cruisers were in the area.

[4] Approximately one minute later the accused stood, ran northbound in the lot and jumped an east west six foot chain link fence, topped with barbed wire. The accused ran north 60 to 80 metres and then appeared to try to conceal himself beneath a large tank. With the assistance of Cst. Lang, Cst. Williamson and PSD Quanto entered the compound after Cst. Williamson cut the fence for access. They lost sight of the accused behind tanks and outbuildings before observing him jumping a third fence. As Cst. Williamson reached the third fence, he noted the accused look at him. He said "City Police Canine Unit. Stop right now - you're under arrest." As Cst. Williamson scaled the fence, the accused ran north bound jumped a fourth fence and was out of sight behind a small tree line.

[5] Cst. Williamson was directed by Air One to a roadway through bush where the accused was spotted near a power pole on the east side of the road, beside an open stubble field. As Cst. Williamson approached the accused he issued police challenges saying "City Police Canine Unit, stop or I will send the dog!". The officer testified he was confident that the accused heard and saw him as the accused looked back but kept on running.

[6] Cst. Williamson chased the accused up the road and determined that he would not be able to catch up on foot. He testified that he usually keeps issuing challenges and did so at least twice more. In cross examination the officer confirmed there was no place for the accused to go - he appeared desperate. The accused continued to flee.

[7] Cst. Williamson released PSD Quanto. PSD Quanto covered the distance to the accused in about ten seconds and engaged his right forearm when the accused turned toward the dog, presenting his arm. The accused stumbled back a ways but did not fall. The accused did not appear frightened or in shock. He reached around the dog's neck and it appeared to Cst. Williamson that he was choking or trying to hurt PSD Quanto's jaw or neck.

[8] Cst. Williamson realized that the dog was not having much effect. He struck the accused with a closed fist on the side of the head. At this point the accused fell down with PSD Quanto still engaged and began to thrash and roll, fighting with the officer and the dog and growling (the accused, not the dog).

[9] Cst. Williamson tried to gain control by grabbing the accused's left arm but was unable to do so. He grabbed PSD Quanto by the harness as Cst. Lang moved in to assist. As PSD Quanto was still engaged, he pulled the dog back to extend the accused's right arm away from his body. A variety of knee and palm strikes were used by Cst. Lang to gain control of the accused's left arm.

[10] Once PSD Quanto was ordered to release, he did so. Cst. Williamson observed the accused fighting, thrashing and making guttural noises. He did not consider the accused's response to being bitten normal.

[11] When he attended the Misericordia Hospital to document injuries and medical treatment, he noted a single one to one and a half centimetre puncture wound to the right forearm of the accused, two small scratches and redness. At this point the accused appeared to be reacting normally to pain.

[12] When asked about an injury to the accused cheek, Cst. Williamson stated that he would not be shocked if the accused had such an injury.

Testimony of Constable Lang

[13] Cst. Lang testified that when the accused grabbed PSD Quanto, he swung the dog around in a headlock and appeared to be choking or strangling the dog in order to get PSD Quanto to release his hold. At this point Cst. Lang did not know if the accused had a weapon. The accused did not follow directions to get to the ground and both Cst. Lang and Cst. Williamson jumped on the accused's back. He was instructed to show his hands. The accused did not produce his left hand. Cst. Lang performed five to six knee stuns to the accused's ribs. The officer did not know if the accused was reaching for something in his chest area.

[14] After delivering two additional open handed stuns to the back and side of the accused head, the accused presented his hands and was handcuffed. Cst. Lang arrested the accused and read his *Charter* rights. The accused stated he understood and when repeatedly asked if he wanted a lawyer, shook his head "no". At that point the officer observed that either the accused was ignoring him or going in and out of consciousness. The accused made only a mumbled response and commented about cold weather when cautioned. As he was transported to west division the accused complained of pain and the officer noted that he was again in and out of consciousness.

[15] The accused was frisked, place in a cell and seen by Emergency Medical Services ("EMS") before being transported to the Misericordia Hospital. There he was x-rayed, and stitches were used to close a cut to his cheek and puncture to his right arm before he was released. No further medical treatment was performed.

Testimony of Constable Adsett

[16] Cst. Adsett testified that he assisted in transporting the accused to west division and requested that EMS meet them on arrival due to the accused's level of intoxication.

Testimony of the Accused

[17] The accused testified on the sentence hearing that he had run for about seven to eight minutes in the snow before being apprehended. He was wearing a special sturdy jacket but the dog bit through it and punctured his right arm. He stated that he had not suffered any injuries from scaling the fences with barbed wire on top. He testified that he was in an open area, exhausted with no where to go and that he stopped and waited before the dog was sent. When the dog engaged he swung the dog back and forth trying techniques he knew to get the dog to release. When he dropped to the ground he pulled his arms under himself because of the pain he was suffering. He conceded that he may have been making noise but not growling. He had been drinking that evening. He confirmed that he knew police were chasing him but he could not hear due to elevated adrenaline and testosterone levels in his system. He said this has a kind of black out effect or a disinhibiting effect. No medical evidence was called to confirm this claim.

[18] The accused testified that three or four police officers beat him, hitting him with flashlights and kicking him with heavy boots. He acknowledged that he felt a blow to the side of his head.

[19] In speaking to the use of the dog, the accused stated he had been arrested approximately 25 times and had once before been bitten by a police dog. On one other occasion he testified the dog was on scene and not released. He observed that on this occasion police could have used a taser rather than the dog. They also had guns. The accused testified that he suffered injuries to his ribs, a cut to his cheek, and of course the puncture wound. A booking photo shows his face with a stitched cut below the right eye. No medical records from Misericordia Hospital or Remand Centre were produced.

[20] In cross examination the accused stated that he wanted to avoid arrest and was scared when he fled police. While he was motivated to retrieve and hide the bag containing drugs and money, he insisted that his reaction in fleeing on foot was a panic response and that police ought to not have used the dog to apprehend him.

Findings and Analysis

[21] Based on the above evidence the police used the following force in arresting the accused. Cst. Williams released PSD Quanto after identifying himself and yelling three warnings for the accused to stop or he would send the dog. PSD Quanto bit the accused in the right forearm, resulting in a single puncture wound. I do not accept the accused's testimony that he did not hear the challenges and that he stopped before the dog was sent. Cst. Williamson repeatedly issued a challenge. The accused kept running and PSD Quanto engaged when the accused stopped and turned to present his arm. The accused did not stop until after the dog had been released. Cst. Williamson delivered a single strike to the accused's head when he appeared to choke the dog and jumped on the accused back to gain control. Cst. Williamson disengaged the dog and moved away once the accused was apprehended and Cst. Lang was in position to handcuff and arrest the accused.

[22] I find that Cst. Lang jumped on the accused to bring him to the ground, delivered four to five knee strikes to the ribs and two open-handed head stuns as a means of gaining control of the accused hands which he had drawn under his body. The accused complained of soreness to his ribs and suggested that his ribs were broken. I find the strikes to the ribs caused tenderness but the evidence before me was that the accused was released from hospital once he was treated and there were no serious injuries. I do not accept the accused's version that he was hit with a flashlight and kicked by police. None of these alleged actions were put to the officers in cross examination and fall afoul of the rule in *Browne v. Dunn* (1893), 6 R. 67 (House of Lords). It is possible that the cut to his face may have been caused by the head stuns delivered while the accused was face down on the road but the injury to his face was not serious and was treated the same day he was arrested. Once handcuffs were applied police used no further force on the accused. His injuries were assessed by EMS once he was transported to west division and then treated at hospital nearby. The delay in transporting him to hospital was not significant and did not exacerbate the injuries.

Applicable Legal Principles

[23] Police officers are entitled to use force in the execution of their duties where necessary. Examples of the type of situation in which force may be necessary include apprehending a fleeing suspect, preventing a continuation of an offence and protecting the safety of members of the public.

[24] The authority of a peace officer to use force in the execution of his duties is limited under the *Criminal Code*. Section 25(1) provides in part:

> Everyone who is required or authorized by law to do anything in the administration or enforcement of the law
> ...

> (b) as a peace officer ...
> if he acts on reasonable grounds, justified in doing what he required or authorized to do and in using as much force as is necessary for that purpose.

[25] The Supreme Court of Canada in *R. v. Nasogaluak*, [2010] S.C.J. 6 (*Nasogaluak*) addressed the manner in which excessive force may be taken into account in the context of the sentence where an individual who is to be sentenced for a criminal offence is found to be the victim of excessive force used by police. Where the conduct of police officers relates to the circumstances of the offence or of the offender the court must consider such conduct as part of the factual context of the case as it bears on the determination of a fit sentence.

[26] If, as in the present case, the issue of excessive force is raised without the *Charter* it may nonetheless be taken into account in determining sentence. As Lebel J. stated at para. 53 of *Nasogaluak*:

> It is important to note that a sentence can be reduced in light of state misconduct even when the incidents complained of do not rise to the level of a *Charter* breach.

At para. 55:

> Thus, a sentencing judge may taken into account police violence or other state misconduct while crafting a fit and proportionate sentence, without requiring the offender to prove that the incidents complained of amount to a *Charter* breach. Provided the interests at stake can properly be considered for by the court while acting within the sentencing regime in the *Criminal Code*, there is simply no need to turn to the *Charter* for a remedy.

[27] Justice Lebel summarizes the general principles relating to the assessment of the degree of force used by police officers and concludes that "the allowable degree of force to be used remains constraint by the principles of proportionality, necessity and reasonableness." (See *Nasogaluak* para. 32)

[28] Justice Lebel also recognizes that assessments of reasonable force made well after the dynamic and fluid events of arrest do not require the officers to measure the degree of force used with nicety. He notes at para. 35 of *Nasogaluak*:

> Police actions should not be judged against the standard of perfection. It must be remembered that police engage in dangerous and demanding work and often have to react quickly in emergencies. Their actions should be judged in light of these exigent circumstances. As Anderson J.A. explained in *R. v. Bottrell* (1981), 60 C.C.C. (2nd) 211 (B.C.C.A.):

> In determining whether the amount of force used by the officer was necessary the jury must have regard to the circumstances as they existed at the time the force was used. They should have been directed that the appellant could not be expected to measure the force used with exactitude.

[29] The Alberta Court of Appeal in *R. v. Nasogaluak* 2007 ABCA 339 confirmed that the test for excessive force is whether the application of force was "objectively reasonable" having regard to the circumstances and dangers in which the officers found themselves. Allowance must be made for the exigencies of the moment.

[30] In the present case events developed in darkness in the early hours of the morning. The accused appeared determined to escape first by driving out of the city and then by fleeing on foot. Police did not know with whom they were dealing. The accused did not respond by stopping when warned that the dog would be released. His actions were not rational given that he was in a rural setting with nowhere to go. Police wanted to bring the situation to an end by quickly apprehending the accused. The alternative suggested by the accused (using a taser or gun) would be potentially life-threatening and not a sensible alternative to the use of a police dog. Nor was it reasonable to continue to chase the accused who was determined to avoid capture.

[31] Once the officers caught up with the accused, his choking the dog, growling or making guttural noises and fighting was sufficiently alarming and that they were required to take immediate action to bring him under control. His refusal to produce his hands caused a further safety concern that he was reaching for a weapon. Several blows were required to secure compliance with police efforts to handcuff the accused.

[32] Courts have been reluctant to fetter the use of police service dogs to apprehend suspects who are believed to have committed criminal offences and are fleeing the scene or have committed the offence of criminal flight.

[33] In the recent case of *R. v. Gangl*, [2010] A.J. 389 appeal dismissed 2011 ABCA 357 (*Gangl*) my brother Judge Matchett refers to the earlier decisions of *R. v. Pentold* in which the dog was released as officers were concerned about weapons when the accused turned away and the case of *R. v. Belter* 2008 ABQB 133 (*Belter*) described as follows:

> In *R. v. Belter*, the accused had sexually assaulted a young woman at knife point, engaged the police in a vehicle pursuit, crashed his vehicle and hid in some bushes. While it was dark, there were some streetlights in the area and the dog handler had a flashlight. A police helicopter was circling overhead, and other police members were on scene. Once the dog had determined the location of the suspect the dog handler yelled out "This is Edmonton Police Service Canine Unit. Come out or I will send in the dog." He waited about two seconds before releasing the dog to engage. The resulting injury to the suspects arm required a dozen stitches to close. He also sustained scratches on his back and a cut on his head. The accused testified at trial that he had not heard any warning and

> that he was not armed when he was apprehended. He testified about the pain he had experienced and complained that he had not be given any pain medication.

In his decision, Justice Graesser quoted at para. 35 from *Chartier v. Greaves*, [2001] OJ 634 (SCJ) where Power J. held at para. 64:

> "It is both unreasonable and unrealistic to impose an obligation on the police to employ only the least amount of force which might successfully achieve their objective. To do so would result in unnecessary danger to themselves and others. They are justified and exempt from liability in these situations if they use no more force than is necessary, having to regard to their reasonably held assessment of the circumstances and dangers in which they find themselves."

His Lordship at pg. 37 then went on to say that:

> In approaching the issue of excessive force, a sequential analysis should take place. First, once the use of any force in the apprehension or arrest justified in s. 25 of the *Criminal Code*? Secondly, if force was justified and was used, was such force objectively reasonable, having regard to the circumstances and dangers of the situation? In assessing the objective reasonableness of the force used, the Court should be careful to consider the exigencies of the moment and not measure "with nicety" the exact amount of force required.

[34] In the *Belter* case the court found it was objectively reasonable to use the Canine Unit to apprehend the accused. It was safer for police to use the dog than to engage the suspect themselves. Although the accused received a serious cut to his arm there was no suggestion that the dog handler had deliberately allowed his dog to continue to inflict injuries after the initial deployment. Similarly, Judge Matchett in *Gangl* found that while deploying the police dog was not the only option available to police, it was objectively reasonable in the circumstances. Using the dog was a prudent means of bringing the pursuit to an end as quickly as possible.

[35] I find that Cst. Williamson gave the accused three warnings before releasing PSD Quanto. The accused appeared determined to avoid arrest and had engaged in criminal flight. He continued to run notwithstanding challenges by Cst. Williamson. His behaviour did not appear rational and the cause for his behaviour was unclear. Police did not know whether he was under the influence of drugs or alcohol or suffering a mental illness. While it was not the only option available to police, using the police dog was objectively reasonable in the present case. The dog was disengaged as soon as possible, the injuries suffered by the accused were not serious and he was provided medical care on return to the city.

[36] The question remains whether the use of force by Cst. Williamson and Cst. Lang was reasonable in the circumstances. As I earlier indicated, Cst. Williamson delivered a single head stun and Cst. Lang four to five knee stuns and two head stuns. I am satisfied that in this case

given the circumstances leading up to the arrest and the level of resistance by the accused to the officers' attempts to bring him under control, the application of significant force was necessary to secure compliance. Less force might have been successful in time but the longer the struggle continued, the greater the risk of injury to police. The accused was determined to escape, notwithstanding the physical setting in which he was apprehended and it was difficult for officers to assess his motivation or condition at the point of arrest. The law does not require that the police use the least amount of force necessary to carry out an arrest; the law requires reasonable force. In these circumstances, reasonable force was used which was both necessary and proportionate in the circumstances. The accused has failed to establish on a balance of probabilities that police used unreasonable force in effecting his arrest.

General Principles

[37] Sentencing judges are required by the *Criminal Code* to impose sentencing that are proportional to both the moral blame worthiness of the offender and the seriousness of the offence (see s. 718.1 *Criminal Code*). Parliament has directed sentencing judges to consider several objectives when imposing sentence. In this case, given the serious nature of the offences I have determined that the greatest emphasis must be placed on denunciation and deterrence. While rehabilitation is not ignored, that factor in the present case is subordinate to denunciation and deterrence (see s. 718 *Criminal Code*). In addition, the court must assess aggravating and mitigating factors in order to determine sentence (see s. 718.2 *Criminal Code*).

Aggravating Factors

[38] The accused has an extensive and related record and was on judicial interim release at the time he committed the present offences. The accused who was a disqualified driver, drove at high speed out of the city in an attempt to escape police. During the flight he drove through red lights at major intersections. Collision with a police vehicle was avoided only when the officer took evasive action. Although traffic was light at that time of day, the manner and speed at which the accused drove put members of the public at risk. That is why, as Cst. Pennie observed, the ground pursuit was called off and Air One took over. From the air the fleeing vehicle was very hot and travelling very fast (at estimated speeds as high as 140 kilometres per hour).

[39] The accused was in possession of a large quantity of a variety of serious drugs as well as trafficking paraphernalia and large quantities of cash. He was also in possession of a variety of stolen property and identification documents, some of which had been altered to incorporate the accused's photograph; even after apprehension the accused misidentified himself so as to avoid criminal liability.

Mitigating Factors

[40] The accused has conducted himself while in custody in a responsible fashion and sought to complete his time in custody to date without becoming involved in violent confrontations. He held a position as a cleaner on his ERC range for approximately 18 months.

The Totality Principle

[41] The Court of Appeal has noted that in situations in which multiple convictions are entered, separate sentences must be imposed. But the total sentence imposed must also be considered so as to ensure that the totality of the sentences is not excessive. The quantum of sentence must be adjusted to achieve a fit and proper sentence (see *R. v. F.* (1982), 37 A.R. 273; *R. v. Johnas*, [1982] A.J. 615; *R. v. Roberts*, [2005] A.J. No. 15 (*Roberts*)).

[42] The Crown calls for a global sentence of 12 years imprisonment. Defence counsel submits that a sentence of 7 years in a Federal Penitentiary is fit and proper.

The History of the Offender

[43] Mr. Ranger who is now 36 years old was born in the Province of Quebec. He came to Alberta in 2000 to work in the construction industry and now regards Western Canada as his home. He has a girlfriend who is supportive and with whom he has maintained a relationship during his time in custody. He has worked as a security guard and as a bodyguard when not in custody.

[44] He has an extensive criminal record. The first entries in 1994 are youth court convictions. The same year his first adult conviction was recorded. The record is more or less continuous from the year 2000 on. It contains convictions for violence, property offences, driving offences, drug offences and numerous convictions for failure to comply with court orders. He was re-committed in 2004 as a statutory release violator. The following entries are relevant:

Drug Offences

1997 Sherbrooke, Que	(1)	possession for the purpose of trafficking 4(2)(3) NC Act	(1-3)	3m. and probation for 1 year
2000 Edmonton, AB	(1)	traffick in scheduled substance s. 5(1) CDS Act	(1-6)	1 day on each charge
	(3)	poss of a scheduled substance for purpose of trafficking		

		s. 5(2) CDS Act		
	(4)	poss of proceeds of crime s. 8(1) CDS Act		

I infer that the sentence in 2000 took into account time in custody.

Driving Offences

2002 Surrey, BC	(2)	Dangerous operation s. 249(1)(a) CC		$1500.00 & proh dri 1 yr.
2002 Kamloops, BC	(3)	drive while disqualified s. 259(4) CC	(1-3)	2 years on each chg concurrent
	(4)	flight s.249.1(1) CC		
	(5)	dangerous operation of m.v. CBH s. 249(3) CC	(4-5)	2 years on each chg conc & conc pro dri 5 yrs.
2005 Edmonton, AB	(1)	flight s. 249.1(1) CC	(1)	18 mos.
	(2)	dangerous operation s. 249(1) CC	(2-3)	6 mos. on each chg consec &
	(3)	drive while disqualified s. 259(4) CC		proh dri 3 yrs.
2007 Edmonton, AB		Drive while disqualified s. 259(4) CC		60 days
2009	(2)	flight s. 249.1(1) CC	(2)	1 day & proh dri 3 yrs.
	(3)	drive while disqualified s. 259(4) CC	(3)	1 day
	(4)	flight s. 249.1(1) CC	(4)	7.5 months (Given credit for 52 ½ months)
2010	(1)	drive while disqualified s. 259(4) CC	(1)	4 mos. & proh dri 2 yrs.
	(3)	drive while disqualified s. 259(4) CC	(3)	90 days & proh dri 1 yr.

[45] In addition there are a total of 9 property offence convictions on Mr. Ranger's record. In total there are 14 convictions for offences against the administration of justice including escape lawful custody.

Drug Offences

[46] The Court of Appeal in *R. v. Lau* 2004 ABCA 408 (*Lau*) emphasized the distinction between commercial and wholesale trafficking which require the application of different starting points, 3 years for the former and 4 and a half years for the latter. While the Court recognized that facts are helpful in determining which starting point will apply, it also commented that the commercial cases which attract a 3 year starting point typically involve a few grams of cocaine with 2 ounces (about 57 grams) at the high end of the scale.

[47] In the present case it is not only the quantity of drugs which persuades me that the 4 and a half years starting point applies. While the amount of cocaine is not in the kilogram range it is well over the 2 ounces referred to in *Lau* and the cocaine was found in combination with quantities of other valuable drugs, trafficking paraphernalia and large quantities of money which has been determined to be the proceeds of drug trafficking. Given the nature, quantity and quality of the drugs, as well as their value and the related record of the accused, a fit sentence is one of 6 years on each of the drug counts (counts 10 to 13) with a concurrent sentence of 3 years on the proceeds of crime count number 9. However, applying the totality principle the sentence for the drug charges is reduced to 5 years concurrent on counts 10 to 13; count 9 remains at 3 years concurrent.

The Driving Offences

[48] In *Roberts* the Court of Appeal noted that criminal flight carries a high degree of moral blameworthiness. Flight from police is a serious aggravated criminal offence. It is a situation which carries a potential and very real danger to the public. In the circumstances of the present case a consecutive sentence for criminal flight is warranted. For the driving offences, given the criminal record of the accused I find that ordinally a global sentence of 4 years would apply to counts 1, 2, and 26. I reduce this figure to 3 years in view of the totality principle in sentencing the accused on count number 1 to 1 year consecutive, count number 2, 2 years consecutive, and count number 26, 2 years concurrent with a 3 year driving prohibition relating to the s. 259(4) *Criminal Code* offence.

Property Offences

[49] The accused was found in possession of identity documents, some of which were altered to incorporate his photograph. In addition, he was in possession of items stolen from the Fandrick residence. Given the nature and number of offences and related record the accused the global sentence would otherwise be one of 18 months consecutive on counts 5, 6, 7, 8, 14, and 15

to 18. Applying the totality principle I reduce that sentence to a global 12 months consecutive, 12 months on counts 5, 6, 7, 8 and 14 concurrent and 6 months concurrent on counts 15 to 18.

Offences Against the Administration of Justice and Miscellaneous Charges

[50] Non-compliance with court orders is a serious matter. The accused has a history of such offences. It is essential that such behaviour be discouraged. In the ordinary course a sentence of 12 months incarceration would be fit but that sentence is reduced to one of 6 months globally by imposing a sentence of 3 months consecutive on count number 4 and 3 months concurrent on counts 27 and 28 but consecutive to the other sentences. The sentence on count number 23 is 3 months concurrent.

Conclusion

[51] I am asked not to take into account the 30 months which the accused has spent in pre-trial custody. Credit for that time will be applied other outstanding charges to be dealt with during the week of August 13, 2012 in Wetaskiwin. Accordingly, the accused is sentenced to a total of 9 years and 6 months in a Federal Penitentiary.

Heard on the 21st to 24th days of November, 2011, the 20th and 30th days of December, 2011 and the 26th day of January 2012.

Dated at the City of Edmonton, Alberta this 17th day of August, 2012.

D.R. Valgardson
A Judge of the Provincial Court of Alberta

Appearances:

P. Cashman
for the Crown

A. Gill
for the Accused