

*Indexed as:*  
**R. v. Hunt**  
**(Nfld. C.A.)**

**Between**  
**Her Majesty the Queen, Respondent,**  
**and Douglas Hunt, Appellant**

[1977] N.J. No. 39

13 Nfld. & P.E.I.R. 184

1977 No. 43

Newfoundland Supreme Court - Court of Appeal

**Furlong C.J.N., Morgan and Gushue JJ.A.**

Heard: June 15, 1977  
Judgment: June 15, 1977

(2 pp.)

*Accused convicted of killing cattle -- Appeal from sentence dismissed -- Criminal Code s. 400(a).*

This was an appeal by the accused from his sentence of nine months' imprisonment on a charge of killing cattle. He argued that the sentence was too severe, and that he and his accomplice had voluntarily confessed their crime to the owner shortly after committing it.

HELD: The appeal was dismissed. The appellant had a lengthy record extending back over the past five years which indicated clearly that leniency had been granted to him on many occasions, and that the hope of rehabilitation in his case was misplaced. There was no evidence that the Magistrate applied any wrong principle in imposing the sentence.

Mr. Aiden Hennebury for the Appellant.

Mr. Robert Hyslop for the Respondent.

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Reasons for judgment by: Gushue J.A. Concurring in by: Furlong C.J.N. and Morgan J.A.

GUSHUE J.A. (orally, dismissing the appeal):-- The appellant pleaded guilty before Magistrate Cramm of the Provincial Court to a charge under Sec. 400(a) of the Criminal Code of killing cattle. The Magistrate sentenced Hunt to nine months' imprisonment, from which sentence he now appeals.

Leave to appeal is granted because, on the face of it, the sentence appears to be a severe one, and there is evidence that the appellant and his accomplice voluntarily confessed their crime to the owner shortly after committing it.

However, while severe, this Court sees no reason to interfere with the sentence as imposed. The offence is a serious one punishable by imprisonment for up to 5 years. There is no evidence that the Magistrate applied any wrong principle of sentencing, and the Magistrate was the person who had the best opportunity to assess the circumstances of the crime, as well as the criminal himself. The appellant has a lengthy record extending back over the past five years and this record indicates clearly as well that leniency has been granted to him on many occasions - presumably, in hope of his rehabilitation, which hope, it would appear, was misplaced. The Magistrate undoubtedly took these factors into consideration when he imposed the sentence of nine months.

The appeal is dismissed, and the sentence of nine months is affirmed.

GUSHUE J.A.

---- End of Request ----

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