

CANADA / JUDGMENT

R. v. Hotomani

2020 BCCA 68

COURT

British Columbia Court of Appeal

DECIDED

21 February 2020

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2020 BCCA 68 R. v. Hotomani COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Hotomani, 2020 BCCA 68 Date: 20200221 Docket: CA46401 Between: Regina Respondent And Lyndon Hotomani Appellant Before: The Honourable Madam Justice Saunders The Honourable Mr. Justice Harris The Honourable Mr. Justice Grauer Supplementary Reasons to R. v. Hotomani, 2020 BCCA 64, Vancouver Registry CA46401. Oral Reasons for Judgment Counsel for the Appellant: C.R. Terepocki Counsel for the Respondent: C.E. Tomusiak Place and Date of Hearing: Vancouver, British Columbia February 21, 2020 Place and Date of Judgment: Vancouver, British Columbia February 21, 2020 Summary: Supplementary reasons to address oversight in not dealing with credit for time served when substituting a new sentence on appeal.

- [1] HARRIS J.A.: In pronouncing judgment allowing the appeal and substituting a different sentence to that imposed by the sentencing judge, I overlooked dealing with Mr. Hotomani's entitlement to credit of time served in pre-sentence custody. As the order has not been entered, and the failure to address credit for time served was inadvertent, I am of the view that the sentence as pronounced by this Court should be adjusted to recognize, as did the sentencing judge, that Mr. Hotomani is entitled to 18 days' credit for time served and I would so order.
- [2] SAUNDERS J.A.: I agree.
- [3] GRAUER J.A.: I agree.
- [4] SAUNDERS J.A.: The sentence will be as we indicated in the main set of reasons given by Mr. Justice Harris on February 18, 2020, less credit for 18 days' time served pre-sentence. "The Honourable Mr. Justice Harris"

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