

CANADA / JUDGMENT

R. v. Morrison

2004 BCCA 67

COURT

British Columbia Court of Appeal

DECIDED

3 February 2004

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2004 BCCA 67 R. v. Morrison COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Morrison, 2004 BCCA 67 Date: 20040203 Docket: CA31113 Between: Regina Appellant And Stephen John Morrison Respondent Before: The Honourable Madam Justice Rowles The Honourable Madam Justice Ryan The Honourable Madam Justice Newbury Oral Reasons for Judgment B. MacLean Counsel for the Appellant R. Hoggard Counsel for the Respondent Place and Date: Vancouver, British Columbia 3 February 2004

- [1] ROWLES J.A.: We have before us a Crown appeal from a conditional sentence imposed in relation to some driving offences.
- [2] This matter previously came before the Court and a post-sentence report was ordered. The post-sentence report indicates that the respondent is adhering to the conditions of the conditional sentence imposed by the Provincial Court judge. For that and other reasons the Crown now seeks, rather than a three year term of imprisonment, the addition of a period of probation to the concurrent conditional sentence imposed by the Provincial Court judge for the three driving prohibition offences.
- [3] The Crown asks that a period of probation between 18 to 24 months be added, with terms as stipulated by counsel. The terms sought are similar, although certainly not identical, to those imposed in relation to the conditional sentence, and are directed toward ensuring that the respondent continues on the path he has started by abstaining from alcohol and attending Alcohol Anonymous meetings.
- [4] In view of the Crown's position we are minded to allow the appeal and to add to the conditional sentence a period of probation of 18 months with the conditions that were stipulated by Ms. MacLean during her submissions.
- [5] To that extent I would grant leave to appeal and allow the appeal.
- [6] RYAN J.A.: I agree.
- [7] NEWBURY J.A.: I agree "The Honourable Madam Justice Rowles" Correction: February 16, 2004 The date of the Hearing has been changed from "February 4, 2004" to the correct date of "February 3, 2004".

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Prepared on 26 October 2026 · Esheria