

CANADA / JUDGMENT

R. v. Pilgrim

2009 BCCA 494

COURT

British Columbia Court of Appeal

DECIDED

3 November 2009

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2009 BCCA 494 R. v. Pilgrim COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Pilgrim, 2009 BCCA 494 Date: 20091103 Docket: CA037133 Between: Regina Respondent And Jeremiah Dylan Pilgrim Appellant Before: The Honourable Madam Justice Ryan The Honourable Mr. Justice Hall The Honourable Madam Justice Garson On appeal from: Provincial Court of British Columbia, July 28, 2008 (R. v. Pilgrim, Vancouver Reg. 176329-1) Oral Reasons for Judgment Counsel for the Appellant: C. Sicotte Counsel for the Respondent: P. LaPrairie Place and Date of Hearing: Vancouver, British Columbia November 3, 2009 Place and Date of Judgment: Vancouver, British Columbia November 3, 2009

- [1] RYAN J.A.: This is an application for leave to appeal, and if granted, to set aside the probation order which is attached to a sentence of one year imprisonment imposed July 25, 2008. It has become illegal because a sentence of 2.5 years has subsequently been imposed. This probation order then cannot stand in accordance with the provisions of the Criminal Code.
- [2] I will allow the appeal and set aside the probation order.
- [3] HALL J.A.; I agree.
- [4] GARSON J.A.: I agree.
- [5] RYAN J.A.: The matter is set aside. "The Honourable Madam Justice Ryan"

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Prepared on 28 October 2026 · Esheria