

CANADA / JUDGMENT

R. v. Sutherland

2008 BCCA 158

COURT

British Columbia Court of Appeal

DECIDED

10 April 2008

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2008 BCCA 158 R. v. Sutherland COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Sutherland, 2008 BCCA 158 Date: 20080410 Docket: CA035203 Between: Regina Respondent And Mark Everett Sutherland Appellant Before: The Honourable Madam Justice Rowles The Honourable Madam Justice Newbury The Honourable Mr. Justice Hall Oral Reasons for Judgment R.S. Gill Counsel for the Appellant J. Duncan Counsel for the (Crown) Respondent Place and Date: Vancouver, British Columbia 10 April 2008

- [1] ROWLES, J.A.: The applicant, Mark Everett Sutherland, seeks an extension of time to file an application for leave to appeal and leave to appeal a custodial sentence of two years imposed on him on 3 June 2005 for four offences. The sentence was imposed with respect to each of the offences with the sentences to be served concurrently.
- [2] The application is prompted by a threat of deportation. As Crown counsel has acknowledged, the application is in substance indistinguishable from R. v. Kanthasamy, 2005 BCCA 135, [2005] B.C.J. No. 517, and the Crown does not oppose the relief sought.
- [3] Accordingly, I would extend the time for filing the application for leave to appeal; grant leave to file the fresh evidence in the form of affidavits from the applicant and his former counsel; grant leave to appeal and reduce the four sentences, all of which were ordered to be served concurrently, to two years less one day.
- [4] NEWBURY, J.A.: I agree.
- [5] HALL, J.A.: I agree. "The Honourable Madam Justice Rowles"

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