

CANADA / JUDGMENT

R. v. Zietsoff

2009 BCCA 532

COURT

British Columbia Court of Appeal

DECIDED

19 November 2009

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2009 BCCA 532 R. v. Zietsoff COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Zietsoff, 2009 BCCA 532 Date: 20091119 Docket: CA036794; CA036795 Between: Regina Respondent And John William Zietsoff Appellant Before: The Honourable Madam Justice Prowse The Honourable Madam Justice Newbury The Honourable Mr. Justice Lowry On appeal from: Provincial Court of British Columbia, December 5, 2001 (R. v. Zietsoff, Vancouver Reg. 127353-1-D, 127388-1, 127389-D, 128032-1-HT) Oral Reasons for Judgment Counsel for the Appellant: M.S.A. Fox Counsel for the (Crown) Respondent: M. Brundrett Place and Date of Hearing: Vancouver, British Columbia November 19, 2009 Place and Date of Judgment: Vancouver, British Columbia November 19, 2009

- [1] PROWSE J.A.: This is a sentence appeal in which counsel agree that a two year probation order imposed on Mr. Zietsoff by the Honourable Judge Arnold on December 6, 2001 has become unlawful as a result of a subsequent sentence imposed on Mr. Zietsoff by the Honourable Judge Sinclair on March 13, 2003.
- [2] The relevant authority relied on by counsel is R. v. Pollock, 2005 BCCA 500. In the result, I would grant Mr. Zietsoff's application for an extension of time for leave to appeal the sentence of December 6, 2001. I would grant leave to appeal and I would allow the appeal, but only to the extent of setting aside the two year probation order.
- [3] NEWBURY J.A.: I agree.
- [4] LOWRY J.A.: I agree.
- [5] PROWSE J.A.: So ordered. "The Honourable Madam Justice Prowse"

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Prepared on 28 October 2026 · Esheria