

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Brown, 2019 ONCA 153

DATE: 20190226

DOCKET: C65289

Doherty, Benotto and Huscroft JJ.A.

BETWEEN

Her Majesty the Queen

Respondent

and

Recardo George Brown

Appellant

James Carlisle, for the appellant

Jeanette Gevikoglu, for the respondent

Heard: February 25, 2019

On appeal from the sentence imposed on May 13, 2015 by Justice Graeme Mew of the Superior Court of Justice, sitting with a jury.

APPEAL BOOK ENDORSEMENT

[1] The appellant received an effective sentence of 6 months, taking into account pre-sentence custody, followed by 18 months' probation.

[2] The parties agree that the trial judge was inadvertently misled as to the immigration consequences of the sentence. A sentence of 6 months means the

appellant cannot appeal a removal order. A sentence under 6 months allows for an appeal.

[3] On consent, we would vary the effective sentence to 5 months 29 days concurrent on all counts. The probation order stands.

[4] To be clear, the credit for pre-trial custody (98 day) is included in the 5 months 29 days. The total sentence is 5 months 29 days.