



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

December 21, 2012

12-18

### Crown Initiates Appeal from Sentence in Tracy Smith Case

**Victoria** - The Criminal Justice Branch, Ministry of Justice, announced today that it has filed an Application for Leave to Appeal from Sentence in the case of *R. v. Tracy Dawn Smith*, 2012 BCPC 0440. This matter attracted considerable media attention and the Branch considers it in the public interest to release information on steps taken by the Branch since the sentence was imposed.

Ms. Smith pleaded guilty to impaired driving causing death under the *Criminal Code of Canada*. On December 6, 2012, a Provincial Court Judge imposed a sentence of one day imprisonment for the offence, followed by three years probation. The Criminal Justice Branch reviewed the file to assess whether there was a legal basis on which to initiate an appeal from sentence. In accordance with Branch policy, the Crown will generally only initiate an appeal from sentence when it has concluded, in light of the facts of the case and the applicable law, that a reasonable basis can be advanced for seeking a variation of the sentence imposed. It is, of course, up to the appellate court to ultimately assess whether the sentence was unfit and a variation is warranted.

A determination was made in this case that an appeal should be initiated. As such, the Criminal Justice Branch has filed an application with the Court of Appeal for British Columbia that seeks to have the sentence of imprisonment substantially increased. A tentative hearing date for the appeal has been set for February 27, 2013 in Victoria.

As this matter is now before the Court of Appeal, the Criminal Justice Branch will not comment further on the specifics of the case.

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