

MEMORANDUM / NOTE DE SERVICE

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None
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Date
August 31, 1998
Telephone / FAX -- Téléphone / Télécopieur
902-426-6995 / 902-426-7274

TO / DEST: File AR-46277

FROM / ORIG: Raymond Mitchell

SUBJECT / OBJET: CARVERY, DAVID BRUCE - APPEAL

Comments/Remarques

David Carvery is charged on three separate information. They are as follows:

Information #1: S. 4(1) NCA x 2 - offence dates: April 6, 1997 - first delivery 51.1g, second delivery 50.8g, total price \$4,300.

Information #2: S. 5(1) CDSA - offence date: July 21, 1997 - offered one ounce of crack cocaine for \$1,700 - UC refused to buy.

Information #3: S. 19.1 NCA - Proceeds of Crime - Offence date: April 6, 1997 - possession of the \$4,300 from the drug transaction of that day.

On Thursday, August 27, 1998, I received a telephone call from Don Pressé regarding the upcoming prelim on August 31. Don wanted to know the best possible deal I could give for Carvery if he plead guilty. I reviewed the file while I was on the phone with Don and noted that James had earlier offered a total of (6) six years. That was by note dated April 6, 1998. I also saw a memo from James saying he had a discussion with Dennis Demon with the possibility of Mr. Carvery giving evidence regarding a murder charge at which time James would be prepared to offer (4) four years, James indicates he could do no better than (4) four years total.

It would have been my preference to discuss this matter with James, but he was out of the office this week for family reasons, and I didn't know when he would get back. I called Cst. Mellon and spoke to him about it and he indicated to me a reluctance to bring the under cover person down

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from Quebec for the prelim and that if Carvery was prepared to take five years, that was fine with him.

During the weekend, Don Presse called me at home. He indicated that he had been out to the Correctional Centre to visit his client, and his client is interested in the (5) five year deal. Don stated that he would waive prelim and have the matter set down for Crownside, and that his client would like some time to think about the (5) five year deal but he was satisfied to waive his prelim at this time.

In court on August 31, 1998, Don indicated to me that his client needed some time to think over the (5) five year deal but that he would like, perhaps, to re-elect back to provincial court to plead guilty in a couple of weeks. I said I didn't have a problem with that and I would keep the five year deal open. If Carvery refuses this five year deal, then all bets are off.