

to the following charges:

"1. That he, on or about the 24th day of July, 1992, at or near Dartmouth in the County of Halifax, Province of Nova Scotia, did unlawfully rob Anwar Baig, contrary to Section 344 of the **Criminal Code**.

2. AND FURTHER at the same time and place aforesaid did unlawfully rob Tanveer Baig contrary to Section 344 of the **Criminal Code**.

3. AND FURTHER on or about the 4th day of December, 1992, at or near Dartmouth in the County of Halifax, Province of Nova Scotia did unlawfully rob Sylvia Fillis, contrary to Section 344 of the **Criminal Code**.

The Court sentenced the appellant to terms of five years imprisonment on the first two counts to run concurrently and to seven years on the third count to run consecutively for a total of twelve years. A prohibition order was made under s. 100(1) of the **Code**.

The facts given by the Crown Attorney at sentencing were that on July 24, 1992, the appellant, while masked and armed with a crowbar, approached Anwar Baig outside his store and stated, "Give me all your money or I will kill you". He received Mr. Baig's wallet. The appellant then entered the store and encountered Tanveer Baig and told him to give him all the money or he would kill him. As a result, he received approximately \$200 from the cash register and left after smashing a gum rack with the crowbar.

With regard to the December 4, 1992 offence the facts as related by the Crown Attorney were that the appellant entered a motel masked and pointed a pistol at the clerk demanding money from each register. Upon her failure to respond quickly enough, he smashed the glass wicket area with the pistol, yelling for her to hurry or he would blow her head off.

The appellant has applied for leave to appeal against the sentences claiming that the total term was excessive having regard to similar cases. He also relied on the fact that the Crown had recommended a total term of ten years. Unfortunately the appellant has a

substantial criminal record dating back to 1972 mainly for theft related offences. The trial judge carefully reviewed the circumstances and concluded that the primary object in sentencing the appellant had to be the element of deterrence in order to protect the public. We have carefully reviewed the record and can see no error on the part of the trial judge in imposing sentence. The application for leave to appeal against the sentences is dismissed.

J.A.

Concurred in:

Hart, J.A.

Roscoe, J.A.

