

Date: 19970520

Docket: CAC 135795

NOVA SCOTIA COURT OF APPEAL
Cite as: R. v. Hill, 1997 NSCA 138

Chipman, Freeman and Pugsley, JJ.A.

BETWEEN:

LINDA ANNE HILL

Appellant

Donald L. Presse
for the Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

Denise C. Smith
for the Respondent

Appeal Heard:
May 20, 1997

Judgment Delivered:
May 20, 1997

THE COURT:

Leave to appeal is granted, but the appeal is dismissed as per oral reasons for judgment of Chipman, J.A.; Freeman and Pugsley, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

CHIPMAN, J.A.:

This is an application for leave and, if granted, an appeal from a sentence of 12 months incarceration imposed by Gruchy, J. in Supreme Court.

The appellant pled guilty to a charge of fraud exceeding \$5,000 contrary to s. 380(1)(a) of the **Criminal Code**.

The appellant had engaged in a carefully planned scheme which enabled her to defraud her employer of more than \$144,000. Following detection, she immediately accepted responsibility for her actions, cooperated with the authorities and pled guilty at the earliest opportunity. No explanation, other than one consistent with greed and envy, was ever given for the commission of the offence. Only about \$17,000 was recovered from a bank account of the appellant.

At the appellant's sentencing it was urged upon Gruchy, J. that he should impose a conditional sentence. He declined to do so saying that in the circumstances of this case, such an option was not appropriate.

We have heard the argument of counsel and have carefully reviewed the reasons for judgment of Gruchy, J. in passing sentence. We are satisfied that the trial judge considered all the appropriate principles in imposing sentence in this case, and that he committed no error. See this Court's judgment in **R. v. Frenette**, May 14, 1997, C.A.C. No. 132540.

Leave to appeal is granted, but the appeal is dismissed.

Chipman, J.A.

Concurred in:

Freeman, J.A.

Pugsley, J.A.