

<u>CASE NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
PAUL JASON HARRIS (Appellant)	- and -	HER MAJESTY THE QUEEN (Respondent)
C.A.C. No. 157389	Halifax, N.S.	Glube, C.J.N.S.

[Cite as: R. v. Harris, 2000 NSCA 7]

APPEAL HEARD: November 30, 1999

JUDGMENT DELIVERED: January 13, 2000

SUBJECT: **SENTENCE; home invasion, robbery and assault.**

SUMMARY: Appellant, age 20, and a young offender broke and entered the home of an elderly couple knowing there were people in the residence and aware of possible penalty. Appellant severely assaulted male occupant so that a former 80 year old male who, with his wife, lived independently, can no longer live in his home and has had his mental, emotional and physical functions severely and permanently affected. Left the couple all night with no lights or telephone. No help obtained until next morning. Following a guilty plea, sentencing judge imposed 15 years for robbery and 14 years for aggravated assault.

ISSUES: Sentences excessive and an over-emphasis of general deterrence.

RESULT: Appeal dismissed. Reviewed 3 Supreme Court of Canada decisions: **C.A.M.; Shropshire; and McDonnell**. Sentencing judge thoroughly reviewed the law, background of accused, victim impact statements, mitigating and aggravating circumstances and found the primary emphasis in these types of offences is to denounce unlawful conduct and deter appellant and others from committing robberies of elderly people in their own homes with actual or potential for violence.

Confirmed that denunciation, deterrence and protection of the public are the primary considerations in home invasion robberies. Sentences are in the range and not manifestly excessive.

Leave to appeal is granted, but appeal is dismissed.

<p>This information sheet does not form part of the Court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 34 pages.</p>
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