

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
MARY COLLEEN PARIS (Appellant)	- and -	HER MAJESTY THE QUEEN (Respondent)
CAC 154047	Halifax, N.S.	FLINN, J.A. (Orally)

[Cite as: R. v. Paris, 1999 NSCA 104]

APPEAL HEARD: September 15, 1999

JUDGMENT DELIVERED: September 15, 1999

WRITTEN RELEASE OF ORAL: September 21, 1999

SUBJECT: Criminal Law - Obtaining Family Benefits exceeding \$5,000.00 by false pretense with intent to defraud contrary to s. 362(2)(a) of the Criminal Code

SUMMARY: The appellant was convicted of obtaining family benefits exceeding \$5,000.00 by false pretense and with intent to defraud. The appellant failed to report other income in excess of \$200.00 per month while she was receiving family benefits. The trial judge ordered, inter alia, restitution for the over payment of benefits of \$8,155.00. The appellant appeals her conviction claiming that the Crown did not prove the required *mens rea* for this offence, nor did the Crown prove that the amount involved exceeded \$5,000.00. Alternatively, the appellant asks that the amount of the restitution order be varied to comply with the amount found to be outstanding.

RESULT: Appeal dismissed.

Considering the judgment of the trial judge as a whole, the Crown has established the necessary mental element with respect to this offence and the trial judge made no error in law in convicting the appellant.

There was evidence before the trial judge from which he could conclude that there had been an over payment of family benefits to the appellant of \$8,155.00. That is a finding of fact with which the Court of Appeal will not interfere.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 2 pages.

