

CASE NO. VOL. NO. PAGE
Cite as: **R. v. Stephenson, 1998 NSCA 152**

TERRANCE LAWRENCE STEPHENSON **HER MAJESTY THE QUEEN**
(Appellant) - and - (Respondent)

C.A.C. No. 144559 Halifax, N.S. **PUGSLEY, J.A.**
(Orally)

APPEAL HEARD: June 2, 1998

JUDGMENT DELIVERED: June 2, 1998

WRITTEN RELEASE OF ORAL: June 3, 1998.

SUBJECT: CRIMINAL LAW - SENTENCING - HOME INVASION ROBBERY

SUMMARY: The appellant pled guilty to the offence of robbery on October 8, 1997. In October, 1992, he had targeted the victim, 86, as an elderly man with "lots of money" who lived alone in a rural community. The appellant arranged for transportation and directed one Neatt to the victim's home and waited in the car while Neatt broke into the residence at 10:00 p.m. and assaulted the victim and stole \$2,500.00 cash from the victim's purse. The victim was hospitalized for five days with injuries to his face and ribs. The trial judge sentenced the appellant to six years, stressing general deterrence. The appellant submits that the trial judge failed to give appropriate consideration to rehabilitation, a good pre-sentence report, limited and dated criminal record of the appellant, and the limited participation of the appellant in the offence.

RESULT: Appeal dismissed. In **R. v. Fraser** (1997), 158 N.S.R. (2d) 163 and **R. v. Foster et al** (1997), 161 N.S.R. (2d) 371, the Court of Appeal determined that a sentence of six to ten years is appropriate for robberies of financial institutions but that home invasion robberies should attract a greater sentence. The trial judge's sentence of only six years presumably reflected the mitigating factors stressed on behalf of the appellant. The appellant has not established that the sentence of six years was demonstrably unfit. The life time fire arms prohibition order imposed by the trial judge pursuant to s. 100 of the

Criminal Code should be modified to a period of 10 years as this conviction was a first offence within the meaning of that section.

This information sheet does not form part of the court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 8 pages.