

The appellant pled guilty to a charge of stealing merchandise of a total value not exceeding \$1000.00. The Crown proceeded by way of indictment. On December 9, 1992, the appellant was sentenced to two years for this offence consecutive to any other sentence he was presently serving and, at the same time, was sentenced to two months each, to be served consecutively to the first sentence for two additional theft charges. The Crown had proceeded summarily in respect to the latter two offences. All three offences concerned what is commonly called shoplifting. They occurred over a three month period.

This appeal concerns the indictable offence only.

The appellant has a lengthy criminal record extending from 1976 to 1991, some 12 offences, most of which are property related but are not for shoplifting. There were two weapon offences. He was given light sentences for his early offences. The sentences increased in severity as his criminal activity continued. He has previously served federal time. Not only was he on parole when the offence in issue here occurred, but he has previously violated parole. His is an alarming record for a 33 year old person. As Crown counsel remarked in his factum: "This record clearly indicates a dedication to a life of crime".

We have considered the submission of appellant's counsel in respect to parity of sentencing with the co-offender and the principle of totality. In all of the

circumstances of this case the need for the protection of the public, both specific and general deterrence we cannot say that the sentence imposed was manifestly excessive.

We grant leave to appeal, but dismiss the appeal.

J.A.

Concurred in:

Roscoe, J.A.

Pugsley, J.A.

