

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Ogden*, 2004 NSCA 86

Date: 20040623

Docket: CAC 214603

Registry: Halifax

Between:

Victoria May Ogden

Appellant

v.

Her Majesty the Queen

Respondent

JUDGE: Bateman, J.A.

APPEAL HEARD: June 14, 2004

JUDGMENT DELIVERED: June 23, 2004

SUBJECT: Sentencing

SUMMARY: Ms. Ogden appealed her sentence on 13 convictions. She received a 5 year federal sentence on a robbery conviction (s.344(b) of the **Criminal Code of Canada**, R.S.C. 1985, c. C-46) as well as concurrent sentences of between one to six months on an additional 12 offences which ranged from breach of recognizance to extortion.

ISSUE: The appellant said that the sentence was harsh and excessive in that the judge placed too much emphasis on a victim impact statement

and erred in not giving credit for restrictive pre-trial bail conditions

RESULT:

Appeal dismissed. Ms. Ogden was 31 years old at the time of sentencing. She had been convicted of a steady stream of criminal offences from 1998 to the date of the sentences under appeal, including convictions under the **Motor Vehicle Act**, R.S.N.S. 1989, c. 293; assault, mischief and damage to property; breaches of recognizance; extortion; and fraud. The offences for which she was sentenced, which sentence she appealed, involved three victims. Ms. Ogden's criminal behaviour was of increasing seriousness. She was targeting one of the more vulnerable members of society, senior citizens on whom she preyed in their own homes. The judge's sentencing remarks reveal that he was particularly concerned with the vulnerability of the victims; the fact that she had a criminal record of some duration; and that her record included at least one conviction for extortion. He observed that past sentences, which had focused on reformation and rehabilitation, had not been sufficient to motivate Ms. Ogden to deal with the addiction that was driving her criminal behaviour. The judge concluded that a sentence which addressed both specific and general deterrence was needed. While he might have apportioned the time between the offences differently with some running concurrently and others consecutively, the global sentence of 5 years for this collection of offences is not unreasonable. The judge did not err in not giving credit for pre-trial bail restrictions with which Ms. Ogden did not comply.

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 6 pages.