

**PROVINCIAL COURT OF NOVA SCOTIA**

**Citation:** *R. v. Jamieson*, 2013 NSPC 121

**Date:** 20131209

**Docket:** 2658662, 2660028, 2660027, 2659715  
2639017, 2639016, 2620292

**Registry:** Pictou

**Between:**

Her Majesty the Queen

v.

Ronald William Jamieson

***SENTENCING DECISION***

**Judge:** The Honourable Judge Del W. Atwood

**Heard:** December 9, 2013, in Pictou, Nova Scotia

**Written decision:** December 11, 2013

**Charge:** CC344(1)(b), CC334(b)(ii), CC 264.1(1)(a), CC334  
CC 145(5.1), CC 344, CC 264.1(1)(a)

**Counsel:** Jody McNeill for the Nova Scotia Public Prosecution  
Service  
Doug Lloy, Nova Scotia Legal Aid, for Ronald William  
Jamieson

**By the Court:**

[1] The Court has for sentencing Ronald William Jamieson. Mr. Jamieson is before the Court to be sentenced today for a charge of uttering threats, a charge of robbery, a charge of breaching an undertaking, a charge of theft, a further charge of threats, a further theft charge and a second count of robbery.

[2] The sole mitigating factor here, in my view, is Mr. Jamieson's guilty pleas. I recognize that in many respects the mitigating factor of the guilty pleas is attenuated somewhat, given the array of compelling evidence against Mr. Jamieson, particularly closed-circuit imaging that was obtained by police from the Royal Bank in the aftermath of the robbery of Mr. Connors.

[3] Although I have considered the period of time that Mr. Jamieson has spent on remand in accordance with sub-s. 719(3) of the *Code*, applying the principles set out by our Court of Appeal in *R. v. Boudreau*, 2011 NSCA 60 at para. 22, and as reviewed by me in *R. v. Stewart*, 2013 NSPC 64 at para. 32, I find that it would be inappropriate to give Mr. Jamieson credit for remand time given the fact that he had been admitted to bail in relation to his July and August charges, also in

relation to his October 16<sup>th</sup> charges committed only two days prior to the second robbery.

[4] I consider the following aggravating factors: The level of violence involved in Mr. Jamieson's crimes, particularly the level of violence against Charles William Connors. Our Court of Appeal in *R. v. Perlin*, [1977] N.S.J. No. 548 at para. 8, and in subsequent cases, has stated consistently that offences involving the commission of violence must attract highly deterrent sentences because people such as Mr. Connors are entitled to the assurance of protection and safety in our society.

[5] Mr. Connors' victim impact statement before the Court describes poignantly the level of victim impact suffered by Mr. Connors, which he continues to endure.

Mr. Connors states:

For years I have enjoyed early morning walks, trusting my surroundings were safe. Now, rather than being relaxed enjoying my walks, I am nervous, continually scanning for possible problems. I always enjoyed meeting new people on my walks but now I am leery of strangers and I don't like this new attitude.

[6] Mr. Connors describes also the ongoing physical and financial impact of being a victim of a serious crime, the ongoing necessity for dental work, ongoing numbness which he experiences as a result of having been struck a blow to the face.

[7] It is important to note, as well, that robbery is one of the few offences in the *Criminal Code* that continues to carry a maximum potential penalty of life imprisonment; it is significant that the robbery of Mr. Connors was committed at a time that Mr. Jamieson was subject to bail in relation to the robbery of Kirk MacKinnon.

[8] I consider aggravating, as well, the fact that Mr. Connors was targeted at an automated teller. This Court recently had occasion to impose sentences upon two offenders found to have been engaging in aggressive panhandling, offenders who targeted senior citizens in the vicinity of automated tellers: *R. v. Pilgrim*, 2013 NSPC 60 and *R. v. Smith*, 2013 NSPC 106. These are no petty thefts. These are crimes of violence committed against individuals who have contributed to society for years and years and years and are faced with young males, such as Mr. Jamieson, targeting them because of their vulnerability and because of the fact that

automated tellers dispense cash– there is the certain knowledge that the user of an automated teller is going to be an easy target for a cash grab. In my view, these factors add to the need for denunciation and deterrence in this particular case.

[9] Also aggravating is the fact that Mr. Doiron, when he approached Mr. Jamieson, was doing the only thing that a responsible parent would do when observing a child's bike or toy being carted off by an intruder: He tried to stop it and he was answered with a serious threat.

[10] These are HRM-type offences that are creeping into Pictou County. The fact is that there have been in Pictou County over the past year alarming increases in robberies, offences involving violence, particularly involving post-adolescent males who are prepared to resort to the use of violence or to the use of weapons in order to rob and steal. Often, this is done by offenders to feed drug hunger, although I note that there is no evidence before me that Mr. Jamieson was motivated by addictions.

[11] In my view, a strongly denunciatory sentence is warranted in this particular case; however, I must never losing sight of the need for rehabilitation, particularly

in Mr. Jamieson's case, given that Mr. Jamieson is only 23 years of age, and the Court certainly applies the start principle. The Court of Appeal of this Province has upheld lengthy sentences in relation to robbery cases. However, the Court of Appeal has also dispensed leniency in robbery cases, *R.v. Johnson*, 2007 NSCA 102, at paras. 33-35 being a case in point.

[12] There is a joint submission before the Court that is in accordance with *R. v. MacIvor*, 2003 NSCA 60. I am satisfied that the joint submission is within the range of permissible sentences; therefore, as stated in *MacIvor*, the Court ought to defer to the joint submission when the joint submission is within the range and when the Court is satisfied that the imposition of the joint submission would not bring the administration of justice into disrepute.

[13] A five year sentence for an individual who is of Mr. Jamieson's age, in my view, is a significant penalty that will accomplish the degree of denunciation and deterrence necessary, but not crush the prospect of rehabilitation.

[14] The sentence of the Court therefore will be as follows: The robbery charge involving Mr. Connors will be the starting-point sentence, that is case #2658662,

an indictable offence of robbery, there will be a four (4)-year sentence of imprisonment imposed. In relation to the theft charge, case #2660028, a charge of section 334, there will be a sentence of three months, but to be served concurrently. Case #2660027, the threat against Mr. Doiron, also a summary offence, three (3) months but to be served concurrently. Case #2659715, the theft charge, prosecuted summarily, three (3) months but to be served concurrently. Case #2639017, the 145(5.1) summary breach, three (3) months but to be served concurrently. Case #2639016, the robbery of Mr. Kirk MacKinnon, an indictable charge, one (1) year, but to be served consecutively. Case #2620292, the threat against Mr. Hugh Alexander MacKenzie, a three (3) months sentence but to be served concurrently, for a total federal sentence of **five (5)-years' imprisonment.**

[15] There will be a primary-designated-offence DNA collection order in relation to the two robbery charges. Also, in relation to the two robbery charges, there will be a section 109 weapons prohibition. The Court prohibits you, Mr. Jamieson, from possessing any firearm, other than a prohibited weapon or restricted weapon and any crossbow, restricted weapon, ammunition and explosive substance commencing today's date and running for life, and the Court also prohibits you

from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, prohibited ammunition for life.

[16] The warrant of committal will be endorsed in accordance with section 743.21 of the *Criminal Code* that Mr. Jamieson have no contact or communication, either directly or indirectly, with Hugh Alexander MacKenzie, Kirk MacKinnon, Craig James Doiron, and Charles William Connors.

[17] These offences occurred prior to the in-force date of the new mandatory victim-surcharge-amount provisions. Given the duration of the sentence, the Court finds that the imposition of victim-surcharge amounts would work an undue hardship and therefore the Court declines to impose victim surcharge amounts.

[18] The total sentence of the Court is five (5) years imprisonment, the DNA primary order in relation to the two robbery counts, the life/life section 109 orders in relation to the two robbery counts and the section 743.21 endorsements regarding no contact and no victim surcharge amounts.



[19] Mr. Jamieson, I'll have you accompany the sheriffs please, sir.

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J.P.C.