

CANADA / JUDGMENT

R. v. Taft

2003 BCCA 104

COURT

British Columbia Court of Appeal

DECIDED

11 February 2003

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2003BCCA0104 Citation: R. v. Taft Date: 20030211 2003 BCCA 104 Docket: CA029925 CA030386 Registry: Vancouver COURT OF APPEAL FOR BRITISH COLUMBIA ORAL REASONS FOR JUDGMENT Before: The Honourable Chief Justice Finch February 11, 2003 The Honourable Madam Justice Ryan The Honourable Madam Justice Saunders Vancouver, B.C. BETWEEN: REGINA RESPONDENT AND: ANTHONY BRUCE TAFT APPELLANT Appellant appearing in person B. McKinley appearing for the Respondent

- [1] RYAN, J.A.: There are two applications for leave to appeal sentence before the Court.
- [2] The appellant, Anthony Taft, pleaded guilty on June 7, 2002, to 23 fraud related offences. These offences included five counts of personation; three counts of fraud; three counts of uttering a forged document; one count of obstructing a police officer; seven counts of forgery; one count of possessing property obtained by the commission of an offence; one count of forging a passport, and, two counts of possession of forged passport. On June 26, 2002, the appellant was sentenced to a total of three months for these offences. Since the appellant had been in custody for a year awaiting his trial, the sentencing judge, Judge Maughan, considered the sentence to be the equivalent of 27 months.
- [3] On October 22, 2002, the appellant was sentenced by Judge McGivern to 15 months imprisonment following guilty pleas to one count of attempting to obstruct justice and four counts of uttering a forged document.
- [4] Briefly put, the circumstances of the counts on the first information are the following. Between November 1998 and August 2000 Mr. Taft obtained personal information from individuals by advertising for construction managers in the "help wanted" sections of local newspapers. He sent unsuspecting job applicants letters suggesting that they had been short-listed for the position and, for security purposes, requested them to provide copies of identification papers. The job applicants were advised that all information would be kept strictly confidential. Using the information thus obtained, the appellant, using his own photograph, forged or applied for identification in the names of the unsuspecting job applicants. He followed this by opening bank accounts under the assumed names and depositing forged cheques into those accounts. Between April 2, 2000, and June 14, 2000, the appellant obtained almost \$80,000 in cash by cashing cheques and making withdrawals.

- [5] Suspecting something was up, bank personnel and the Vancouver City Police confronted the appellant in August of 2000. While he was under investigation, the appellant travelled to Montreal where he established a website using one of his assumed identities. On the website he advertised that he could provide false identification for a fee.
- [6] The appellant was arrested in Vancouver in July of 2001. He provided the police with three successive false names. His true identity was finally established through fingerprint identification.
- [7] The appellant had set up a number of residences under the false identities. A search of the residences turned up over 300 unfilled orders for false identification from all over the world. The search also showed that 200 applications had been filled providing the appellant with almost \$19,000. The searches uncovered equipment used for making false identification as well as a forged U.S. passport.
- [8] The second information was dealt with by Judge McGivern on October 22, 2002. The facts on those five counts are related to the proceedings on the first information. In preparation for the sentencing proceeding on the first information the appellant provided his lawyer with several copies of letters and certificates of completion of programs from the institution where he was being held. Counsel delivered the letters to Crown counsel, who, sensing that something was amiss, asked the police to investigate. At least four of several letters were determined to be forgeries.
- [9] One letter which was the subject matter of one of the counts on the second information purported to come from the John Howard Society. It attested to the appellant's coming to terms with his addictions, realizing his wrongs and working to make amends. Three counts involved certificates of completion of courses at the North Fraser Pre-Trial Centre relating to substance abuse, anger management, and cognitive training.
- [10] At the sentencing hearing on the first information Judge Maughan was advised that the appellant is a U.S. citizen. He has a record in Lakeside, Montana for felony burglary in 1991, and for uttering false securities, and, false statements in a passport application in Seattle, Washington in 1997. The offences with which we are concerned were committed while the appellant was on supervised release for his Washington State offences.
- [11] Judge Maughan was also told of the false letters and certificates which now make up the counts on the second information. Crown counsel put the letters to the judge to demonstrate the futility of a rehabilitative sentence and to belie any suggestion of remorse.
- [12] The appellant has made a number of submissions as to why his sentences are unfit.
- [13] In my view, nothing he has said assists him in attacking the sentence on the first information which can only be described as lenient. I would refuse leave on this application.

- [14] Neither would I grant leave to appeal on the sentence imposed on the second information. In my view, the sentence of 15 months was entirely fitting for this cynical attempt to manipulate the courts.
- [15] In the result I would refuse leave on both applications.
- [16] FINCH, C.J.B.C.: I agree.
- [17] SAUNDERS, J.A.: I agree.
- [18] FINCH, C.J.B.C.: Leave to appeal is refused on both applications. "The Honourable Madam Justice Ryan"
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