

SUPREME COURT OF YUKON

Citation: *R. v. Cornell*, 2013 YKSC 107

Date: 20130926
S.C. No. 12-01510
Registry: Whitehorse

BETWEEN:

HER MAJESTY THE QUEEN

AND:

CHRISTOPHER JONATHAN DALE CORNELL

Before: Mr. Justice L.F. Gower

RULING

(Jury Panelists Failing To Appear)

[1] GOWER J. (Oral): I want to explain to you, and for the benefit of the other person as well, that under s. 30 of the *Jury Act*, R.S.Y. 2002, c. 129:

“If a person who is summoned to appear for service as a juror fails to obey the summons or fails to answer to their name when called by the clerk, the judge may impose a fine not less than \$25 and not exceeding \$200.”

[2] Now, in addition to that power, there is also the potential power of having you arrested and detained and brought before the Court, which we did not do this time. We simply served you with a warrant to appear, but we could have arrested you and you could have been held in custody overnight while you were waiting to appear before a judge.

[3] The third and last thing is that when you fail to obey a jury summons you are really in breach of an order of the Court. The Court has an inherent jurisdiction to send

someone to jail as a punishment for that contempt. It is a very serious matter when you are served with a jury summons. You are expected to obey the summons, unless you have a reasonable excuse and you deal with it by contacting the Sheriff to make other arrangements. It is not something to be taken lightly and that is why we have brought you before the Court.

[4] You were given one pass when you failed to attend for *R. v. Larue*. However, you were put on the next jury list and in that sense you were given a second chance. If you do not obey the second summons then you are called to account. That is why you are here.

[5] What I am going to do is I am going to impose a fine of \$100, Madam Clerk.

[6] THE CLERK: Yes, Your Honour.

[7] THE COURT: And that is pursuant to s. 30 of the *Jury Act*. How much time do you require to pay that fine?

[8] J.R: Tomorrow.

[9] THE COURT: Tomorrow? Okay. It will be payable by 4:00 p.m. tomorrow.

[DISCUSSION RE PAPERWORK FOR FINE]

[10] THE COURT: All right, thank you, you are free to go. The next individual, Madam Sheriff?

[11] THE SHERIFF: C.T.

[12] THE COURT: Please come forward, Ms. T.

[DISCUSSION RE MS. T.'S LIVING AND FAMILY SITUATION]

[13] Well, I have to impose a minimum fine of \$25 under the *Jury Act*. Are you able to afford a \$25 fine?

[14] C.T.: Yeah.

[15] THE COURT: When can you pay it?

[16] C.T.: Can you give me -- tomorrow?

[17] THE COURT: Tomorrow by 4:00 p.m. If you fail to appear and fail to pay the fine then I am going to send the Sheriff looking for you and they will arrest you. Okay?

[18] C.T.: Okay.

[19] THE COURT: I want to make sure you pay that fine. Okay?

[20] C.T.: Okay.

[21] THE COURT: Do you promise to do that?

[22] C.T.: Yeah.

[23] THE COURT: Okay, I will let you go for now. Thank you.

GOWER J.