

**IN THE TERRITORIAL COURT OF YUKON**  
Before His Honour Judge Cozens

REGINA

v.

WESLEY JOE COCHISE ALEXANDER

Appearances:  
Eric Marcoux  
Melissa D. Atkinson

Counsel for the Crown  
Counsel for the Defence

**REASONS FOR SENTENCE**

[1] COZENS J. (Oral): Wesley Alexander has entered a guilty plea to having committed the offence of robbery contrary to s. 344 of the *Criminal Code*.

Circumstances are set out in an Agreed Statement of Facts that was filed as an exhibit in these proceedings.

[2] Briefly stated, on April 15, 2015 at about 10:20 in the evening, Mr. Alexander walked into Mr. Donaldson's place of employment at Bernie's Race Trac Gas. Mr. Donaldson was working alone. Mr. Alexander came behind the counter with a blowtorch that had been lit and threatened Mr. Donaldson with it, getting it close to his face but not, in the end, causing any injury. Mr. Donaldson attempted to fight back but

was unsuccessful. Mr. Alexander took a number of \$20 and \$50 bills from the register and ran out of the store with the blowtorch, the baseball bat that Mr. Donaldson had attempted to use to defend himself in the store, and the money. The police were called and they located the bat with some money and a black toque on a trail near the store. The DNA of Mr. Alexander was located in the interior of the toque. This was all recorded by a surveillance camera. Mr. Alexander was on probation at the time, as well.

[3] This was a circumstantial case that went to preliminary inquiry. I understand that not all of the disclosure had been provided at that point in time. Since the preliminary inquiry, Mr. Alexander has entered a guilty plea. This has certainly saved considerable resources and expenses. A number of experts would have had to have been called in this case and a trial could have taken several days. This has all been avoided through the guilty plea. Even the video that was seen was not as entirely clear as it could have been, so this was certainly a circumstantial case.

[4] The Information was not sworn until October of that year.

[5] There is a joint submission before me for three and one half years less 14 months' credit that Mr. Alexander is entitled to for his time in custody on remand, leaving 28 months' time to serve. Both counsel have agreed that serving this time in a federal penitentiary is within the accepted range and probably the best spot for the sentence to be served.

[6] Mr. Alexander is a 34-year-old member of the Splat'sin First Nation out of Enderby. He has lived in Vancouver most of his life. He moved to Whitehorse, having

met a woman down south, with whom he decided to try to come up here and start a clean slate. This, obviously, did not succeed as much as it had been hoped for.

[7] He has had a rather traumatic childhood, with extreme poverty and drug and alcohol use. He was in foster care at the age of three or four and moved between multiple foster homes. Information indicates that there was physical, emotional, and sexual abuse suffered at some of these homes. He reconnected with his biological family at the age of 12 or 13, but he had begun drinking by the age of 12 and doing drugs by 14. Hard drugs subsequently followed and by 16, he was on the streets as a heavy drug user.

[8] His grandparents were residential school attendees. Certainly *Gladue* factors are present here.

[9] He was quite sick detoxing at Whitehorse Correctional Centre when he was first there. But as I understand it, he has taken two violence prevention programs, a substance abuse program, and other programs. He has accepted responsibility not only through his guilty plea but through his expressions of remorse for what he put Mr. Donaldson through. I find that his expressions of remorse are sincere.

[10] Three cases were filed before the Court, which I reviewed. Certainly, looking at those cases, one of which included an attempted robbery at the same location. In that case, Mr. Cornell was not actually successful and, as I recall, was located under a deck after having been struck by a baseball bat or the equivalent. I am satisfied the sentence is within the range and that it takes into account the *Gladue* factors.

[11] I had not mentioned the criminal record. There are two prior robberies, in 2007 and 2011. There are five offences of violence and uttering threats and about 20 thefts in addition to a number of fail to comply, carrying concealed weapons and other charges. Certainly, the record is an aggravating factor in this case, as well as the fact that he is on probation.

[12] Taking into account the record, the circumstances of Mr. Alexander, the circumstances of the offence, and certainly giving him credit for the guilty plea and understanding the circumstances in which it was not proffered at an earlier date, I am satisfied the joint submission is appropriate.

[13] The sentence will show as 42 months less credit for 14 months' time in custody, leaving 28 months to be served.

[14] There will be a forfeiture of all the items seized.

[15] There is a mandatory firearms order, as he has previously been convicted of robbery. This is for life.

[16] There will also be an order that he provide a sample of his DNA. That has been done previously; however, it is still mandatory that it be done in this case.

[17] There is a \$200 fine surcharge. I will order that payable forthwith, note Mr. Alexander to be in default, and direct that a warrant of committal go to indicate that he serve his default as time concurrent to the time that he is serving in custody.

[18] I wish you well and I hope you are successful in your efforts to change, Mr. Alexander. It is certainly within your ability to do that if you take advantage of the supports and programs that are out there and, day by day, make a decision that today, I am going to do the right thing. You could actually do this and I hope you are able to.

[19] Thank you, counsel.

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COZENS T.C.J.