

Citation: *R. v. Ball*, 2011 YKTC 67

Date: 20111005
Docket: 10-10062
Registry: Watson Lake

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

COLTER ALVIN BALL

Appearances:

Terri Nguyen

Michael Reynolds

Counsel for the Crown

Counsel for the Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): Mr. Ball stands convicted of a charge of having care and control of a motor vehicle having consumed alcohol such that the concentration thereof in his blood exceeded 80 milligrams of alcohol in 100 millilitres of blood. In fact, he provided samples of 170 and 180 milligrams percent.

[2] There is nothing remarkable about the circumstances of the offence, but there is a rather remarkable feature of the offender, and that is that he has ten prior related convictions over a substantial number of years. Mr. Ball clearly fits the category of serial impaired driver as identified most particularly in the case of *R. v. Donnessey*,

[1990] Y.J. No 138 (Y.T.C.A.), and he could easily be looking at a penitentiary term, given his record. However, as I have indicated, there is a joint submission and it takes into account the vagaries of the trial process. In all the circumstances, I am prepared to accede to the joint submission. It still imposes a substantial period of imprisonment which, if it does nothing else, will keep Mr. Ball from behind the wheel, at least while he is in jail.

[3] With respect to this matter, sir, you are sentenced to a period of imprisonment of fourteen months. You are prohibited from operating a motor vehicle on any street, highway or other public place in Canada for the remainder of your life.

[4] The surcharge which would normally be imposed would be \$100. I will waive it, given the circumstances.

[5] Count 1?

[6] MS. NGUYEN: Withdrawn, sir.

[7] THE COURT: Any objection?

[8] MR. REYNOLDS: Absolutely not.

[9] THE COURT: Withdrawn at the request of the Crown.

FAULKNER T.C.J.