

Citation: *R. v. Flahr*, 2009 YKTC 56

Date: 20090602
Docket: 07-10100A
07-10100B
08-10006A
Registry: Watson Lake

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

SLADE CURTIS FLAHR

Appearances:
Peter Chisholm
Elaine Cairns

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): This matter was first dealt with some time ago. There were guilty pleas to charges of cultivation of marihuana and a breach of undertaking.

[2] At the time the matter was originally before the Court, a custodial sentence was clearly warranted based upon the prior record of the accused and the nature of the offences, particularly the cultivation offence. It also appeared that an actual custodial sentence was, to use the vernacular, "in the cards", given the decision of the British Columbia Court of Appeal in *R. v. Van Santvoord*, [2007] B.C.J. No. 404.

[3] At that particular time, Mr. Flahr was scheduled for major surgery and, in consequence, I adjourned sentence so that it could be carried out without delay or problem. That has now been done but it is now time, Mr. Flahr, to face the music on this matter.

[4] I take account of your continuing, ongoing medical concerns but, in my view, a custodial sentence is still warranted.

[5] With respect to the cultivation charge, I sentence you to a period of imprisonment of six months. On the failing to report charge, 30 days, to be served concurrently.

[6] The surcharge is \$50 on each count.

[7] MS. CAIRNS: As I've indicated, he's not employed at this time. I wonder if those surcharges could be waived.

[8] MR. CHISHOLM: I have no submissions.

[9] THE COURT: I will direct that they be paid forthwith and he can serve the default concurrently.

[10] MR. CHISHOLM: Your Honour, I would seek an order pursuant to s. 109 of the *Criminal Code* with respect to a firearms prohibition which, as I understand it, was given to the co-accused in this matter. And I would also seek forfeiture of all the items that were seized by the RCMP.

[11] THE COURT: Any submissions on that?

[12] MS. CAIRNS: No, Your Honour.

[13] THE COURT: The items seized are forfeit. I hereby further order that you be prohibited from having in your possession any firearm, cross-bow, restricted weapon, ammunition or explosive substance for a period of ten years following your release from imprisonment, and that you be prohibited from having in your possession any prohibited firearm, restricted firearm, prohibited weapon, prohibited device or prohibited ammunition for the remainder of your life.

[14] MR. CHISHOLM: Your Honour, and in terms of -- I take it that there's no issue with respect to a forfeiture of the items seized?

[15] THE COURT: I made that order.

[16] MR. CHISHOLM: I'm sorry. With respect to the remaining counts, I'll direct a stay of proceedings.

[17] THE COURT: Thank you.

FAULKNER T.C.J.