

Citation: *R. v. Garrett*, 2004 YKTC 12

Date: 20030902
Docket: T.C. 02-00656
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: Her Honour Judge Maltby

REGINA

v.

SHANNON MARY GARRETT

Appearances:

Kevin Drolet

Malcolm Campbell

Appearing for Crown

Appearing for Defence

REASONS FOR SENTENCING

[1] MALTBY T.C.J. (Oral): I find that, given the evidence before me and submissions of the Crown, and the admissions, that it is obvious that this camera was stolen and was stolen the day before it was recovered. It was distinctively marked with "CBC" and when it was recovered a day later it had those scratched through, but it was found on Ms. Garrett. I have no difficulty, rather, in finding her guilty of possession of stolen property.

[2] As to sentence?

(Submissions on sentencing by counsel)

[3] THE COURT: Ms. Garrett, is there anything you would like to say? If you would stand up, please.

[4] THE ACCUSED: Nothing really. It's unfortunate that it happened this way. I don't enjoy being back in this courtroom at all. I thought I was finally on a clear break, getting pardons and stuff. But I'll just coast through this one and see what happens. But I wasn't with the -- that's all I can say.

[5] THE COURT: All right. Well, I think that anytime that one buys things at the '98 Hotel you have to look at it very carefully and especially if it --

[6] THE ACCUSED: Yeah. I didn't purchase it, otherwise I would have.

[7] THE COURT: Yes. Especially if it is a deal that seems to good to be true because it is obvious, it is absolutely obvious, where it came from. If the courts do not deal with these matters seriously then people are encouraged to take things and sell them to buddies and drinking companions and others at these places.

[8] Certainly, you have got the time to do community work service hours, although I am aware of the fine option program, but I think that given that you are on social assistance that really it is counter productive to impose a fine.

[9] This was a valuable camera and the message has to get out to you and to others; hopefully it has got out to you. Whether it will to your friends, I am not sure.

[10] THE ACCUSED: I don't think it was my friends who stole it, either.

[11] THE COURT: I am not talking about stealing, I am talking about buying things at the '98 Hotel that seem like good value. You know darn well they are stolen.

[12] THE ACCUSED: Wherever you buy it, yeah.

[13] THE COURT: In any event, I am going to suspend the passage of sentence, place you on probation for a period of six months.

[14] The terms of that probation are:

1. that you keep the peace and be of good behaviour;
2. that you report to the probation officer here in Whitehorse by noon tomorrow and then report thereafter as and when they tell you to report;
3. you are to provide your address to the probation officer and not change that address without advising them in advance in writing;
4. you are to perform 35 hours of community work service under the direction of the probation officer and complete all those hours by October 31st, 2003.

[15] Hopefully we will not see you back again. Good luck.

[16] MR. CAMPBELL:
sign the order.

I'll direct Ms. Garrett to the court registry to

[17] THE COURT:

Thank you.

MALTBY T.C.J.