

Citation: *R. v. Goupil*, 2010 YKTC 111

Date: 20101006
Docket: 09-10028A
09-10046
Registry: Watson Lake

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

ROGER JOSEPH GOUPIL

Appearances:
Terri Nguyen
Gordon Coffin

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): In this case, Roger Goupil has entered a plea of guilty to a charge of aggravated assault. Aggravated assault is a serious offence, punishable by up to 14 years in prison.

[2] The circumstances of this offence are that Mr. Goupil, without any provocation, attacked his common-law wife with a screwdriver. In addition to grabbing her hair and causing a number of scrapes and cuts, he stabbed his victim twice on the leg with the screwdriver, resulting in her being sent to hospital. Mr. Goupil was bound by an undertaking at the time, which was imposed following allegations of earlier violence involving the same victim.

[3] Mr. Goupil has a very serious and very persistent criminal record. That record, in addition, contains many related entries and, more significantly yet, includes prior assaults on the same victim. So we have a serious offence committed by an offender with a significant criminal record. In such circumstances, a custodial sentence, in my view, is inevitable, given the requirement of deterrence and the requirement to ensure the safety and protection of the public in general, and the victim of this offence in particular.

[4] The Crown, in recognition of Mr. Goupil's guilty plea, submits that there should be a sentence of 18 months, but also concedes that there should be some credit given to Mr. Goupil for the fact that, following the commission of the index offence and his admission of responsibility, he did enter and successfully complete the Spousal Abuse Program. There is a report from that program indicating not only his completion of the program but indicating that he put significant effort into the program and appeared to derive considerable benefit from it. I agree with both Crown and defence that he is entitled to some recognition for his participation in that program.

[5] There is also the fact that Mr. Goupil served a significant period in pre-trial custody amounting, at the normal rate of credit in effect at the time of the commission of this offence, to in excess of six months.

[6] In my view, the sentence contended for by the Crown of 18 months is fit in the circumstances; indeed, might be considered to be at the lower end of the range, given the circumstances of the offence and the track record of this offender. I gather it was

arrived at in recognition of Mr. Goupil's guilty plea, which I also accept was entered in the face of some problems with the Crown's case.

[7] I am going to deal with the matter by reducing the sentence, which would otherwise be fit, by a period of four months in recognition of the successful completion of the Spousal Abuse Program, and impose a sentence of 14 months imprisonment. There will be, of course, deducted from that a period of six months in recognition of the pre-trial custody, leaving a remanet of eight months yet to be served.

[8] Following his release from imprisonment, Mr. Goupil will be subject to a probation order for a period of two years. The terms will be:

1. To keep the peace and be of good behaviour;
2. To appear before the Court when required to do so;
3. To report within two working days after the order comes into force to an Adult Probation Officer, and thereafter as, when and in the manner directed by the Probation Officer;
4. To advise the Probation Officer in advance of any change of name or address, and promptly notify the Probation Officer of any change of occupation or employment;
5. To reside where approved by the Probation Officer and not change the residence without the prior written permission of the Probation Officer;
6. To abstain from the possession or consumption of alcohol or controlled drugs or substances, except drugs that may be possessed in accordance with a prescription given by a qualified medical practitioner;

7. To take such alcohol or substance abuse assessment, counselling and programming as directed by the Probation Officer;
8. To not attend at any place where alcohol is sold except a restaurant which might be incidentally licensed for the sale of alcohol with meals;
9. To take such other assessment, counselling, and programming as directed by the Probation Officer;
10. To have no contact, directly or indirectly, or communicate in any way with Rose Dool, except with the written permission of the Probation Officer after consultation with Victim Services and Offender Programming Services;
11. To make reasonable efforts to find and maintain suitable employment and provide the Probation Officer with all necessary details concerning his efforts in that regard.

[9] Additionally, there will be an order prohibiting the accused from having in his possession any firearm, ammunition or other substance more compendiously described in s. 109 of the *Criminal Code* for a period of ten years following his release from imprisonment. He will not possess any prohibited firearm, restricted firearm, prohibited weapon, prohibited device, or prohibited ammunition for the remainder of his life.

[10] Additionally, there will be an order whereby he will provide samples of DNA for the purpose of analysis and banking.

[11] There will also be an order that he not have any contact, directly or indirectly, with the victim of this offence, Ms. Dool, while he is in prison.

[12] In the circumstances, I will waive the victim fine surcharge. The remaining charges?

[13] MS. NGUYEN: The remaining charges on that Information, sir, are withdrawn. And the Crown directs a stay of proceedings, furthermore, with respect to the other Information that is before the Court. I believe it's 028A.

[14] THE COURT: 028A is stayed.

[15] MS. NGUYEN: Thank you, sir. And I apologize, I neglected to deal with the matter -- the items that were seized by the police. I would ask for a forfeiture order for the clothes and the screwdriver.

[16] THE COURT: Mr. Coffin?

[17] MR. COFFIN: I have no issue about that.

[18] THE COURT: Those items will be forfeit to the Crown. Any objection to the remaining charges being withdrawn?

[19] MR. COFFIN: No.

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

FAULKNER T.C.J.