

Citation: *R. v. Grenier*, 2009 YKTC 91

Date: 20090708
Docket: 09-00016
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: Her Worship Justice of the Peace Morrison-Harvey

REGINA

v.

RAY MATTHEW GRENIER

Appearances:
Bonnie Macdonald
Gordon Coffin

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] MORRISON-HARVEY J.P.T.C. (Oral): I agree with everyone's comments, in terms of it is a difficult case. It is still no information in terms of how this fight started, but in my view what ends up being a three-on-one is a pretty horrendous situation to begin with. If there was not alcohol involved, Mr. Grenier, in my view, it would be almost a scarier thing. So having made that comment, in terms of the Crown's submission that an abstain clause is appropriate, I am in agreement with that.

[2] The fact that you drove away and went back for whatever reasons is just beyond me, and then the driving actions where you could be in a position where you killed three people, I mean it is horrific. A massive judgment error does not even come close to what it was.

[3] I am in agreement with the submissions by Crown. There will be a two-year probation order with the following conditions:

1. You are to keep the peace and be of good behaviour;
2. You are to appear before the Court when required to do so;
3. You are to notify the Court or the probation officer in advance of any change of name or address, and promptly notify the Court or the probation officer of any change of employment or occupation;
4. You are to report to a probation officer within two working days, and thereafter when and in the manner directed by the probation officer;
5. You are to have no contact, directly or indirectly, or communication in any way with Miller Rogers except with the prior written permission of your probation officer.
6. You are to abstain absolutely from the possession or consumption of alcohol and controlled drugs or substances except in accordance with a prescription given to you by a qualified medical practitioner ...

And I am going to put:

... for the first 12 months of this probation order;

[4] In terms of community work service, I really do not see a whole bunch of difference in the 50 hours and Mr. Grenier is going to have a two-year driving order in addition to this and I am inclined to make it a 150 hour community work service order.

7. You are to perform 150 hours of community service as directed by your supervisor or such other person as your supervisor may designate. This

community service is to be completed by January 8, 2010;

8. You are to make reasonable efforts to find and maintain suitable employment and provide your supervisor with all necessary details concerning your efforts;

[5] In addition to the probation order, there will be a two-year prohibition from driving pursuant to s. 259(2). Can I make recommendations in terms of Interlock under that section? I can, ss. (1.1).

[6] MS. MACDONALD: I think you could if it was an impaired driving, but this is a dangerous driving.

[7] THE COURT: Okay.

[8] MR. COFFIN: I would say, Your Worship, that the Interlock only applies to --

[9] THE COURT: Section 253 or s. 254.

[10] MR. COFFIN: -- 253 or 254 offences.

[11] THE COURT: That is a shame in my view, because I would make that order; however, it is not an option open to me. Victim fine surcharge?

[12] MR. COFFIN: He's not employed.

[13] THE COURT: At this time, waived.

[14] Mr. Grenier, you know your pre-sentence report is a good report. You sound like

you are a decent young man. And, yes, it was a horrendous event that took place, and I mean it is a shame that these are the serious, serious consequences that fall out of that, but I also feel fairly confident that this Court will not see you back in here.

MORRISON-HARVEY J.P.T.C.