

Citation: *R. v. Hartling*, 2009 YKTC 89

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Docket: 09-00092A
09-00131
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: Her Honour Chief Judge Ruddy

REGINA

v.

RAYMOND JOHN HARTLING

Appearances:
Bonnie Macdonald
Gordon Coffin

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] RUDDY C.J.T.C. (Oral): Raymond Hartling is before me in relation to a number of offences to which he has entered pleas of guilty. All four offences essentially arise on the 9th and 10th of May of this year, although there was a repetition of one of the offences on the 14th of May.

[2] The circumstances began with Mr. Hartling being pulled over by the RCMP, as a result of speeding and driving with no lights, at approximately 11:43 p.m. on the 9th of May. It is evident from the facts provided to me and admitted by Mr. Hartling that he was extremely intoxicated on this particular occasion. Indicia of impairment were noted, which included significantly slurred speech and significant balance issues. A search of

his person located a bottle of whiskey.

[3] He repeatedly asked the officer questions about his release and expressed concern about the potential of losing his employment. Unfortunately, he was returned to the detachment where his behaviour significantly deteriorated. It appears that when he initially believed that he would not be held in custody he was not particularly problematic, but when it became clear that he was going to be held in custody because of his history of related offences, he commenced what turned out to be a lengthy litany of threats made to the officer who arrested him. These continued over a matter of several hours, and the threats themselves are extremely serious in nature. It is not my intention to repeat all of those for the purposes of this decision, but they do include him making threats of a nature that would suggest an intention to harm or kill the officer or harm his family, and, as I said, these continued over several hours. They were made in the presence of other officers and they occurred, quite frankly, in a context where Mr. Hartling was clearly displaying a great deal of anger, frustration and dislike of the police in general, and this officer in particular. He was also generally uncooperative, as well, and behaved inappropriately while in cells, including stuffing his shirt in the toilet to flood the cells and other general uncooperative behaviour.

[4] So in terms of your average uttering threats type of offence, this is pretty much on the highest end in terms of the circumstances that we see, although I do accept all of the threats uttered in the first part of the transaction were uttered while he was under the influence of alcohol, and Mr. Hartling is someone with a significant history with alcohol. However, factually, he did utter an additional threat to the officer who arrested him when he learned in court, on May 14th of this year, that he was going to be

detained as a result of his behaviour. So there was a repetition of that behaviour when he learned that he was going to be detained, and that is concerning because it is the one of the series of comments made where he was not under the influence. So clearly the anger that he harbours for the police exists regardless of whether or not he is under the influence, although I do accept it is significantly more problematic when he is using than when not.

[5] Mr. Hartling comes before the Court with an extensive and related criminal record. I believe there are five prior impaireds, dating back to 1991. There are also related offences that would demonstrate, again, ongoing issues that he has with the police. More recently these include damage to a police vehicle and, I think also significantly, they include an uttering of similar threats to the same officer, for which he was on probation at this particular time. So Mr. Hartling is an individual that comes before the Court with a related history indicative of a significant alcohol problem and some serious issues with managing his emotions and his anger.

[6] He is also before the Court for breach of the abstain condition of his probation order. As I indicated, he was on probation for uttering a threat to the same officer, which occurred, I believe, in 2008.

[7] Crown, not surprisingly, is seeking a custodial term as it relates to the behaviour of Mr. Hartling. There is no real issue as between counsel with respect to what I do with the impaired. Notice has been filed. Counsel are both taking the position that the minimum is appropriate, and in law I have no option but to pass a sentence that would at least be the minimum once notice has been filed. So the issue of the impaired

offence is not particularly problematic.

[8] Of significantly more concern is what I do with the two counts of uttering threats to the officers. As I indicated, it was a pattern of behaviour. He has a history of similar behaviour. The threats were extreme. They were repeated. They involved the officer's family, which, however you may feel about the police, Mr. Hartling, you have to ask yourself how you would feel if someone started threatening your family, because one of the things that you said to me today about wishing to have a conditional sentence is your concern for your family. I want you to think about that.

[9] In any event, I do not take lightly the uttering threats offences. As I said, they are serious in nature, they were protracted over an extended period of time, there is similar past behaviour, as it relates both to this and another, and he clearly has some deep-seated anger as it relates to the police.

[10] As a result, the Crown is taking the position that to meet the principles of sentencing, most notably denunciation, deterrence and protection of the public, that a six-month custodial term would be appropriate on the facts before me. The primary issue for me to determine today is whether or not it is appropriate to grant Mr. Hartling a conditional sentence in all of the circumstances.

[11] In determining that, I have a great deal of information before me that has been provided both by Ms. Casselman, who has, I believe from the report, supervised Mr. Hartling often in the past, and also from members of the community. There have been some 18 letters of support that have been filed from community members, community officials, family members, counsellors, treatment personnel. So there is an extensive

amount of information, as it relates to Mr. Hartling, for me to consider in determining whether or not the preconditions for a conditional sentence are met.

[12] In terms of the sentence itself, defence does not take issue with the range suggested by Crown. We are well within the range, in terms of length of sentence, for a conditional. The question is whether or not the protection of the public requirement would be met in these particular circumstances with a conditional.

[13] Crown takes the position that, given Mr. Hartling's extensive history and involvement with the justice system, which includes a number of custodial terms, but all of which are, quite frankly, relatively brief; the majority of them in the 21 to 30 day range, Crown takes the position that to meet the terms of denunciation and deterrence, in particular specific deterrence, it is necessary at this point for there to be a lengthier custodial term, to send the message to Mr. Hartling and others that this type of behaviour, as it relates to the police, is not appropriate and is unacceptable.

[14] Defence takes the position that it is appropriate for me to consider a conditional on the facts before me.

[15] As I indicated, I have a great deal of information as it relates to Mr. Hartling and his history. It is not my intention to go through all of the information in the pre-sentence report, but I do want to highlight some of the factors that I think are significant.

[16] First of these is the fact that the pre-sentence report outlines what Ms. Casselman describes as "a deeply disturbing and traumatic childhood" characterized by a significant amount of abuse, neglect, abandonment; and of particular note, the abuse

included his being locked up for weeks at a time, and that is clearly, even on the facts of the offence before me, a significant trigger for him.

[17] Not surprisingly, that traumatic history then manifested itself in behaviours which began to bring Mr. Hartling in conflict with the law, and continue to bring him in conflict with the law. These include the development of a significant alcohol problem. My understanding is that his first exposure to alcohol came at the very young age of eight years old, and by the time he was 14 he had a full-blown addiction. His consumption of alcohol, which is noted, not surprisingly, by the officer to be substantial on the Problems Related to Drinking Scale; manifested itself, as well, in ongoing problems with blackouts. His record clearly reflects the fact that alcohol has created significant problems for him with his behaviour. As indicated, there are a number of related offences, and it is my understanding the majority of them all relate in some way, shape or form to the use of alcohol.

[18] There is also a description in the pre-sentence report of a number of self-defeating behaviours, and there has clearly been, over the majority of Mr. Hartling's adult life, a real resistance to counselling and assistance. As I indicated during the submissions of counsel and my discussions with the Crown, the majority of Mr. Hartling's history would suggest to me that a conditional sentence would not be appropriate. Where the door is opened, in my view, is his behaviour following the family's move to Carmacks.

[19] I should say for the record that Mr. Hartling is in a long-term relationship. He and his spouse have both had issues that relate to alcohol. The two of them share two

children, one of whom is 13 years of age and who is currently engaged in several acting-out behaviours, and I am satisfied by the pre-sentence report that Mr. Hartling recognizes that a lot of what she is doing relates back to his own issues and how she was raised. They also share a 14-month old daughter as well, and I am satisfied that Mr. Hartling has a significant amount of concern for his family.

[20] The information that I have indicates that in 2006 Mr. Hartling and his spouse moved to the community of Carmacks. At that point in time they made a concerted effort to begin to try and tackle issues in their relationship, in their family and for them individually. I am satisfied from the information provided that Mr. Hartling has made a concerted effort to try and change some of his associates such that he is not at as significant a risk to resort to alcohol as he might have been in the past. There have also been some significant efforts to maintain sobriety.

[21] It appears to me, from the pre-sentence report and the letters provided, that, by and large, over the last couple of years Mr. Hartling has been a contributing member to the community of Carmacks. He has been working on a relatively full-time basis. The reports with respect to his performance in employment are very positive, and I have been advised, by Mr. Hartling and through his counsel as well as through a letter from the Chief of the First Nation, that there is full-time employment waiting for him, and I take that to be a fairly significant positive as he struggles to deal with other issues.

[22] He also has sought out, over the last couple of years since the move to Carmacks, counselling and has accessed some of the counselling resources. I have seen letters from a number of counsellors. I was also able and fortunate enough to

hear from both Mr. Nieman and Mr. Stewart with respect to Mr. Hartling, both of whom have been involved with him in the past and more recently as well. The information they have provided me is relatively positive in nature. I do not believe there is anybody suggesting that Mr. Hartling does not still have significant hurdles and that it is going to take some significant time, effort and support for him to ultimately get to the point where we do not see him back at all. But the information that they have given me has indicated that both Mr. Hartling and his spouse have opened themselves up to treatment, that they have acknowledged the need, they have developed some insight into their concerning behaviours. Both have agreed to jointly engage in marital counselling with Mr. Nieman. As well, the family has worked with Mr. Stewart to arrange for a residential treatment program for the entire family to attend in the Williams Lake area, and I understand that the application to that is actively underway.

[23] Both Mr. Nieman and Mr. Stewart were able to note that there have been significant changes in Mr. Hartling's behaviour over time, particularly since his move to the Carmacks community, and that is significant for me. In particular, I would note that Mr. Nieman noted Mr. Hartling to be a valued member of the community, who works hard and displays a lot of very positive qualities when he is not drinking. Mr. Stewart went on to note that he has known Mr. Hartling for some ten years and he has seen a significant evolution in his behaviour, while acknowledging, again, that there are still some significant hurdles and that it may well take a further ten years for Mr. Hartling to get where he needs to be. But he has indicated that the biggest change he has noted is an openness to help. In the past, Mr. Hartling would resist treatment and would, as Mr. Stewart put it, burn his bridges with counselling resources as quickly as he could. Mr.

Stewart has since noticed a significant change, in that Mr. Hartling is actively reaching out to programming, and doing so in times of crisis but also in other times where he is not necessarily in crisis but appears to still be recognizing that he needs that ongoing help and assistance.

[24] He has had contact with Many Rivers and there are arrangements in place for him to do weekly programming with Ava. He has also, in the pre-sentence report, expressed a willingness to engage in anger management treatment in Whitehorse and is prepared to travel to Whitehorse for those purposes.

[25] I also have, as indicated - it is not my intention to go through all of them - but a number of letters of support from the community, again which confirm that, by and large, Mr. Hartling has been a productive, contributing member, with the exception of some slips with respect to alcohol and, of course, with the exception of his ongoing issues as they relate to the RCMP, which are clearly something that he needs to get a handle on, because Mr. Hartling is clearly letting the past affect the way that he is viewing the police as an organization and individual officers at this point in time. So there is clearly a need for him to get at that childhood trauma that is driving those behaviours. It appears, however, from the information from Mr. Stewart and Mr. Nieman, that Mr. Hartling appears to be at a stage in his life where he is actually able to tackle some of those issues in a way that he has not been open to or able to in the past.

[26] I also note the information from Mr. Stewart that over the course of his dealings with Mr. Hartling there has been a significant reduction as it relates to his use of alcohol. There are still slips, but he is able to recover more quickly, they are of shorter duration,

they are less frequent and his level of consumption is significantly less and he is now able to have some insight into his behaviours.

[27] So when I consider all of the information before me, as I said, but for the efforts in Carmacks over the last couple of years, I would not have hesitated to say that a lengthy custodial sentence was warranted on all of the circumstances. I am, however, based on all of the information before me, satisfied in this particular case that the preconditions to a conditional sentence are met.

[28] I am satisfied, and indeed the Supreme Court of Canada has said, that the principles of deterrence and denunciation can be met by a conditional sentence that is restrictive enough and structured enough, and this is not a conditional sentence that would not be restrictive and structured. I am also satisfied, based on the issue of the safety of the public, that with a management approach, to use the phrase used by Mr. Stewart, that the risk factors that Mr. Hartling presents can be managed with strict conditions. I am also mindful of the fact that within the last couple of years, or probably more, back to 2006, that he has been given the opportunity to serve his sentence conditionally within the community on three separate occasions. Ms. Casselman had indicated she was not supportive of conditionals on any of those, but contrary to her concerns and expectations he successfully completed all three of them. So he has in the past demonstrated, even though there is a breach before me today, he has demonstrated an ability to comply with strict conditions on conditional sentences in the past.

[29] As I said, I think the risk factors can be managed, particularly in a small

community where his behaviour is very visible, they can be managed with strict conditions. Also, I think the biggest factor for me in determining whether a conditional is appropriate, when I consider the long-term safety of the community and, hopefully, the point in time where we will not have Mr. Hartling harbouring the kind of anger he has towards the police, so for the long-term peace of mind of the police in the area, I am satisfied that that can best be met by Mr. Hartling addressing the underlying issues that bring him into conflict with the law, and I am satisfied that we have before us an opportunity where Mr. Hartling is in a position to actually actively engage in and benefit from treatment, and I have some concerns in my mind about the potential of a long custodial sentence in removing the possibility of Mr. Hartling being able to continue what he has started. Given some of his history, I think that there is a real risk that he will regress. That is not the primary reason that I think a conditional is appropriate, but it is a factor that I have considered. Primarily, I am of the view that a conditional sentence can meet the principles of sentencing in this particular case because of his shift in the last couple of years towards actively trying to change his behaviours and to access treatment resources.

[30] That being said, the sentences, with respect to the offences before me, will be as follows. With respect to the impaired driving, Crown has indicated that they are seeking the minimum. I am satisfied that the minimum is appropriate in all of the circumstances, and indeed I am bound by law, as a result of the filing of the notice of intention to seek greater punishment, to order the minimum sentence. That would be a sentence of 120 days in the new legislation. However, Mr. Hartling has served some 70 days in remand for which he would be entitled at the normal rate of credit to 105 days credit.

Accordingly, the sentence on the s. 253(a) will be a sentence of 15 days, and I would ask that his record reflect that I am crediting him for 105 days in remand. There will also be a driving prohibition of three years.

[31] With respect to the remaining counts, there will be a sentence on -- sorry, I am considering the abstain. I would not do it as long. What I was going to suggest is perhaps it be a concurrent 60-day sentence.

[32] MS. MACDONALD: Yes, that's what I would have suggested as well, Your Honour.

[33] THE COURT: Okay. So there will be, on each of the two utterings, a sentence of six months concurrent to each other and concurrent to any other sentence being served. With respect to -- he is not serving any at this point of time, is he?

[34] MR. COFFIN: Well, except the 15 days.

[35] THE COURT: Oh, sorry. So it has got to be consecutive to.

[36] MR. COFFIN: I think it has to be consecutive.

[37] THE COURT: No, you are right. You are right, thank you. Okay, so the two six-month sentences will be concurrent to each other but consecutive to the impaired sentence. There will be a 60-day sentence on the abstain breach, again which will be concurrent to the two uttering sentences but consecutive to the custodial sentence on the impaired.

[38] Each of those three concurrent sentences will be served conditionally within the

community on the following terms and conditions. Mr. Hartling, you will be required to:

1. Keep the peace and be of good behaviour;
2. Appear before the Court when required to do so by the Court;
3. Report to a Supervisor immediately upon your release from custody, and thereafter when required by the Supervisor and in the manner directed by the Supervisor;
4. Reside as approved by your Supervisor at number 55 Upper LSCFN in Carmacks, or as otherwise approved by your Supervisor, and not change your residence without the prior written permission of your Supervisor.

[39] I am satisfied that the offences are serious enough that the entirety of the sentence should be one of house arrest. So you will be required to:

5. At all times remain within your place of residence except for the purposes of employment, including travel to and from employment, or except with the prior written permission of your Supervisor;

So basically you are allowed to be out of the house for work, including driving to work, driving back. If you need to be out of the home for any other reason you have to get permission first.

[40] You are going to be required to:

6. 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; --

[41] Any submissions, Mr. Coffin, as it relates to the samples; is he prepared to do that?

[42] MR. COFFIN: Yes.

[43] THE COURT: Okay. Then you are to:

6. -- provide a sample of your breath for the purposes of analysis upon demand by a peace officer who has reason to believe that you may have failed to comply with this condition;
7. Not attend any bar, tavern, off-sales or other commercial premises whose primary purpose is the sale of alcohol;
8. Take such alcohol and/or drug assessment, counselling or programming as directed by your Supervisor, and attend and complete a residential treatment program as directed by your Supervisor;

I take from the comments that you have made to me about the efforts your family has made to get into that program that you are prepared to consent to my making that order.

[44] THE ACCUSED: Very much so.

[45] THE COURT: You are to:

9. Take such psychological assessment, counselling and programming as directed by your Supervisor;
10. Take such other assessment, counselling and programming as directed by your Supervisor;
11. Provide your Supervisor with consents to release information with regard

to your participation in any programming, counselling, employment or educational activities that you have been directed to do pursuant to this order;

[46] In addition, I am of the view, although there were no submissions by counsel, that this order should be followed by a period of probation. The intention of the probation order is largely rehabilitative in nature, Mr. Hartling, because of the efforts that you have already made, but I by no means feel that this is something that is going to be resolved in six months, so I am satisfied that a longer period of stability would be appropriate.

[47] So I am going to follow it up with a period of probation of 12 months. That is intended to be supportive in nature, in terms of ensuring that you have ongoing structure and ongoing access to treatment and counselling resources. The terms of that order will be that you:

1. Keep the peace and be of good behaviour;
2. Appear before the Court when required to do so by the Court;
3. Notify the Probation Officer in advance of any change of name or address, and promptly notify the Probation Officer of any change of employment or occupation;

Beyond the reporting clause, all of the conditions will be related to the issues that you have to address. I am going to include the abstain. That is your single most significant risk factor. If you are not using everyone is safer, yourself included. So you will be required to:

4. 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;
5. Not attend any bar, tavern, off-sales or other commercial premises whose primary purpose is the sale of alcohol;
6. Take such alcohol and drug assessment, counselling or programming as directed by your Probation Officer;
7. Take such psychological assessment, counselling and programming as directed by your Probation Officer;
8. Take such other assessment, counselling and programming as directed by your Probation Officer;
9. Provide your Probation Officer with consents to release information with regard to your participation in any programming, counselling, employment or education activities that you have been directed to do pursuant to this order.

So it is largely intended to continue some supervision while you are going through treatment and to make sure that things remain stable.

[48] Now, Mr. Coffin, you did not make any submissions as it related to the firearms prohibition, which I take, on the offences before me, is discretionary in nature.

[49] MR. COFFIN: It is, and I discussed that with Mr. Hartling, in light of the various letters indicating his skills in hunting and provision, although Mr. Hartling indicates he doesn't own any weapons.

[50] THE COURT: So what does he hunt with?

[51] MR. COFFIN: I guess he borrows them. And so that -- that's a bit problematic, although he did say that, "I could still go along with somebody else who's hunting?" And I said yes, of course he can do that, as long as he doesn't handle a gun, and he didn't seem to have a problem with that.

[52] THE COURT: Okay. My concern in this particular case, Mr. Hartling, is the nature of the threats. I do feel, even though it is discretionary, that it is appropriate in this particular case that there be a firearms prohibition, and I think that the length suggested by the Crown is appropriate in all of the circumstances. So there will be a five-year firearms prohibition pursuant to s. 110 and following the wording of that section. You do not own firearms yourself?

[53] THE ACCUSED: No.

[54] THE COURT: So there is not a requirement for --

[55] THE ACCUSED: I don't hunt anyway.

[56] THE COURT: -- surrender or forfeiture orders as they relate to those. Now, Mr. Coffin, you also did not make submissions as it relates to DNA. Is that a particular issue? It is a secondary offence, but --

[57] MR. COFFIN: Not particularly.

[58] THE COURT: Okay.

[59] MR. COFFIN: It's discretionary. It's the sort of thing that, in my

respectful submission, on the facts doesn't obviously leap out.

[60] THE COURT: But based on his history I --

[61] MR. COFFIN: It's the sort of --

[62] THE COURT: -- I do not think it is -- I do not think it will be unduly prejudicial for him to provide a sample.

[63] MR. COFFIN: Perhaps not unduly prejudicial, but I mean he talks himself into trouble.

[64] THE COURT: He does.

[65] MR. COFFIN: There's nothing that a DNA order or a sample is going to enlighten anybody about.

[66] THE COURT: No, no.

[67] MR. COFFIN: About his history.

[68] THE COURT: Assuming that he is able to maintain what he has started.

[69] MR. COFFIN: Yes.

[70] THE COURT: But there is the potential at some point for him to act on those. While as you indicated it is somewhat dated, he has in the past. There is the issue with the police vehicle. There was the issue of there being another incident. I think on balance in this particular case I am satisfied that there ought to be an order, Mr.

Hartling, that you provide such samples of your blood as are necessary for DNA testing and banking.

[71] Victim fine surcharges are an issue as well. Any submissions? He has not been employed, right, for the last little bit, but he will be.

[72] MR. COFFIN: He will be. So given time to pay, I really don't see it as a --

[73] THE COURT: As an issue.

[74] MR. COFFIN: -- an issue.

[75] THE COURT: Okay. Sorry, I think you indicated the election was by indictment?

[76] MS. MACDONALD: It was.

[77] THE COURT: On both, okay. So that is \$100 on each count, for a total of \$400. How long does he need to pay that?

[78] MR. COFFIN: Four months.

[79] THE COURT: Okay. Time to pay will be four months. Any issue, sorry, with the time to pay?

[80] MS. MACDONALD: No. The only item that I neglected to address is that police seized a bottle of Wiser's Deluxe from the accused and some scissors and they would like to dump it out, if the Court would give them an order of forfeiture.

- [81] MR. COFFIN: Absolutely.
- [82] THE COURT: I am assuming he has no issue with that?
- [83] MR. COFFIN: None.
- [84] THE COURT: No, I would certainly grant that application.
- [85] MS. MACDONALD: Thank you.
- [86] THE COURT: They can dispose of the items seized as they see fit.
Anything further?
- [87] MR. COFFIN: My only question would be about the Probation order,
and I understand it essentially follows the conditions.
- [88] THE COURT: With the exception of the house arrest, yes.
- [89] MR. COFFIN: Yes, and the providing samples.
- [90] THE COURT: No, I did not include that.
- [91] MR. COFFIN: No, and so I just wanted to clarify that.
- [92] THE COURT: No, no, I did not. I did not. By law, I do not believe I
can.
- [93] MR. COFFIN: Well, that's --
- [94] THE COURT: Unless he wants to consent to it?

[95] MR. COFFIN: -- that's what we were going to discuss.

[96] THE COURT: Yes. No, no, I did not include it, nor did I include the residential treatment in the probation order either.

[97] MR. COFFIN: Yes.

[98] THE COURT: Both were included, however, in the conditional. So, Mr. Hartling, you have got to complete the remaining portion of your term on the impaired and then you are going to be subject to strict conditions. You want to comply with them absolutely or you may be finding that you are returned to custody to serve the rest of it.

[99] THE ACCUSED: Yeah.

[100] THE COURT: And with your history, you are not going to get any chances. So you have got to follow them to the letter.

[101] THE ACCUSED: Thank you, Ma'am.

[102] THE COURT: Anything you find confusing, you make sure you are talking to your Supervisor and your counsel to make sure that you know exactly what is expected of you.

[103] THE ACCUSED: I know.

[104] THE COURT: Okay. I want to wish you and your family good luck.

[105] THE ACCUSED: Thank you.

[106] THE COURT: You have got a lot of work ahead of you and it is going to be hard, but I do wish you good luck with that, and do make sure that you stay connected to the supports. Mr. Nieman, Mr. Stewart and some of the others you have named are people that have great reputations here in the territory for their work, so stay connected to them. I want to say this has been a particularly difficult sentencing. I wanted to give my thanks to counsel for their efforts and, although they have left, to both Mr. Nieman and Mr. Stewart, and to your mother, Ms. Skookum, and you for taking the time to be here today and providing their input and their assistance, so thank you.

[107] THE ACCUSED: Thank you.

(PROCEEDINGS CONCLUDED)
(PROCEEDINGS RECONVENED)

[108] THE COURT: My apologies, Mr. Hartling. Just after everyone left I realized I neglected part of one of the conditions on your conditional sentence. So Mr. Coffin has kindly returned and provost has kindly exchanged prisoners for me so that we could simply add it. The standard condition when we do the house arrest, in addition to remaining within your place of residence, you will also be required to:

5. ... Present yourself at the door or answer the telephone during reasonable hours for curfew checks. Failure to do so will be a presumptive breach of the condition.

That just allows them to check to make sure you are there when you should be.

[109] So I just needed to add that because I neglected to. My apologies for the inconvenience. They will get the order done up now for your signature, so my thanks.

[110] THE ACCUSED: Thank you.

[111] THE COURT: Thank you, Mr. Coffin.

RUDDY C.J.T.C.