

Citation: *R. v. Huras*, 2005 YKTC 69

Date: 20050930
Docket: T.C. 05-11051
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: Her Honour Judge Ruddy

REGINA

v.

JOEL PATTERSON HURAS

Appearances:
Michael Cozens
Jamie Van Wart

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] RUDDY T.C.J. (Oral): Joel Patterson Huras is before me having entered a plea of guilty in relation to stealing a truck on September 22, 2005.

[2] Facts are that the RCMP received notification of the stolen vehicle, which was a 1988 Dodge truck with a value in excess of \$5,000. Patrols were made, information was received and ultimately the vehicle was located in an alley. The vehicle was found to be empty with the exception of a prescription bottle with Mr. Huras' name on it. The RCMP went into a nearby bar; located Mr. Huras in the bar; further investigation indicated that he had taken the vehicle without permission. Items from the vehicle including a watch were located on his person.

[3] Mr. Huras comes before the court with an extensive criminal record, some 73 offences over the last 24 years. A large number of those offences fall in the property category, there are numerous related convictions. He has spent, over the years, a considerable amount of time in custody. He is 48 years of age. From his record it appears he has lived in numerous different communities throughout Canada. He has been in Whitehorse for approximately -- or in the Yukon for approximately two years. He is married with one child, both of whom are residing in Inuvik and he does provide some financial support for them.

[4] He has a high school education as well as some college courses and some courses in heavy duty mechanic work. He is a journeyman carpenter. He has been employed for the last eight months with the Superstore. I am advised by his counsel and it is clear to me from his record that he has a longstanding problem with alcohol. His particular problem results in binge drinking. I am advised by his counsel that the bulk of his record has been offences committed to support his addiction.

[5] For the past eight months, up until this offence, he has been maintaining sobriety and attending AA. He has also been doing volunteer work around town at a number of organizations including the Legion, Special Olympics, the Catholic Church, and the Salvation Army.

[6] The incident that is before me occurred when he took a vacation up to the Dawson area and clearly fell off the wagon while he was there.

[7] Crown is seeking a sentence of nine to twelve months. Defence is suggesting a range of six to nine months and has suggested that I consider a conditional sentence in the particular circumstances.

[8] To Mr. Huras' credit he has entered an extremely early guilty plea. I understand that he has been in remand since the offence, just some eight days.

[9] In terms of the appropriate length of the disposition, I am of the view, considering his extremely early guilty plea and his remorse; he advises me that he has presented a letter of apology to the owner of the truck, that a sentence of six months is appropriate, in all of the circumstances, in particular, the very early guilty plea, the remorse and the efforts he had been making towards maintaining his sobriety. I am also factoring into that the remand time that he has already done. So there will be a sentence of six months.

[10] Unfortunately, Mr. Huras, I am not satisfied, because of your record, that it is a sentence that can be served in the community. I have factored in the efforts that you made towards sobriety. I am hoping that you take the opportunity while in custody to access programs that will continue to assist you. In my view, the most that I can do is reduce the amount of time, which I have done considerably. The Crown is right, you could be looking at 12 months here. But in view of what you have done and in view of your remorse and in view of your early guilty plea and in view of the remand time you have done, in my view, the most I can do is reduce the sentence amount. You simply have too long of a history of breaching for it to be --

[11] THE ACCUSED: Thank you very much, Your Honour, I am doing something about my problem. It is hard to get one year of sobriety. Try it.

[12] THE COURT: It is.

[13] THE ACCUSED: Try it sometime.

[14] THE COURT: I understand.

[15] THE ACCUSED: It's really difficult.

[16] THE COURT: I understand and --

[17] THE ACCUSED: Especially in this community.

[18] THE COURT: -- I commend you for your efforts; I think you need to keep doing that. You do not want to go through this one more time and find yourself out and then back in again.

[19] THE ACCUSED: If I do not drink, I am fine. As soon as I drink, it is just like a curse or something. I do not know what it is. Anyway, thank you very much.

[20] THE COURT: Okay. So as I say, I hope you use that time to further -- I do know that they do offer, at different times, alcohol programming within the facility. But with your history, I simply do not think that the pre-conditions are satisfied to allow me to grant you a conditional sentence.

[21] THE ACCUSED: Thank you.

[22] THE COURT: Thank you.

[23] MR. COZENS: The victim fine surcharge, Your Honour?

[24] THE COURT: It will be waived in the circumstances.

[25] MR. COZENS: A stay of proceedings on Count 2.

[26] THE COURT: Thank you. Good luck, sir.

RUDDY T.C.J.