

Citation: *R. v. Jimmy*, 2012 YKTC 26

Date: 20120215
Docket: 10-10144A
10-10144B
11-10091
Registry: Watson Lake

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Hubbard

REGINA

v.

JARRAD JIMMY

Appearances:
Terri Nguyen
Gordon Coffin

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] HUBBARD T.C.J. (Oral): You have been before the Court many times; this is now your third drinking and driving offence so the Crown is not taking an unreasonable position. I see you, in fact, got six months last time. I do not see any alternative but to sentence you on Count 2 on the main Information to a term of six months imprisonment. With regard to the driving whilst disqualified, I sentence you to a like term of six months, with that term to be concurrent with the term on Count 2.

[2] In addition, I am going to prohibit you from driving a motor vehicle in Canada for a period of five years from today's date.

[3] With regard to the Information arising on the 4th of October, that being 11-10091, driving while disqualified, an appropriate sentence would, in my view, be a term of 60 days consecutive. However, in view of the dead time that you have served already which is, I understand, some 25 days, I am going to give you 30 days credit for that as I understand some of that time was in the Watson Lake lock-up, which is hard time. The actual sentence on that Information will therefore be one of 30 days consecutive to the previous term that I just imposed, for a total sentence of seven months.

[4] As I have indicated, I have considered probation, but in view of the absence of any good counselling facilities here in Watson Lake I suggest that you get the help you need whilst you are serving your time. When you come back to this area, try and control your drinking, and certainly do not drive.

[5] With regard to the victim surcharge, you are asking me to consider waiving that, I am sure, Mr. Coffin?

[6] MR. COFFIN: Yes, I would.

[7] MS. NGUYEN: No objection, sir.

[8] THE COURT: I will waive the surcharges you would otherwise have to pay.

[9] THE CLERK: Your Honour, is the driving prohibition with respect to Count 2 or Count 3, or to both?

[10] THE COURT: It should relate to both Counts 2 and 3 and, in fact, on

the one count on the second Information as well. It is a total prohibition of five years.

HUBBARD T.C.J.