

Citation: *R. v. Matthews*, 2008 YKTC 94

Date: 20080828
Docket: 08-00305
08-00305A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Worship Justice of the Peace Cameron

REGINA

v.

RAYMOND EDWARD MATTHEWS

Appearances:
Kevin Komosky
Lynn MacDiarmid

Counsel for Crown
Counsel for Defence

REASONS FOR JUDGMENT

[1] CAMERON J.P.T.C. (Oral): I will take one further chance, Mr. Matthews. I am going to allow your release on a recognizance in the amount of \$500, no deposit. When you sign this piece of paper you are promising you will do what it says on there. Failure to abide by that promise you could find yourself immediately owing \$500 to the Crown. Do you understand that?

[2] THE ACCUSED: Yes.

[3] THE COURT: Also, failure to abide by any of these conditions could also result in further serious criminal charges. Do you understand that?

[4] THE ACCUSED: Yes, Your Honour.

[5] THE COURT: Conditions are going to be as follows:

1. You are to keep the peace and be of good behaviour and appear before the Court when required to do so.
2. You are to report immediately upon your release to a bail supervisor and thereafter as often and in the manner directed by the bail supervisor.
3. You must remain within the Yukon Territory unless you have the prior written permission of your bail supervisor or permission of the Court to go outside Yukon.
4. 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. I understand that you would consent to provide a sample of your breath and/or urine for the purpose of analysis upon demand by a peace officer or your bail supervisor if they have reason to believe that you are failing to comply with this condition.

Do you agree to that?

[6] THE ACCUSED: Yes, I do.

[7] THE COURT:

5. You are not to be found in attendance in any bar, tavern, off-sales or other commercial premises whose primary purpose is the sale of liquor or alcohol.

You cannot go in there to see who is in there, you cannot go in there to use the facilities or get out of the weather. You simply cannot go into those premises.

6. You are to have no contact, directly or indirectly, or communicate in any way with Danielle Rainville. This no-contact order includes telephones, faxes, e-mails, letter writing, telling people to tell her things, et cetera. If she communicates with you in any way you must break off that communication or you will be violating this condition.
7. You are to abide by a curfew by remaining within your place of residence between the hours of 9:00 p.m. and 7:00 a.m. daily, except with the prior written permission of your bail supervisor, and if you are exercising that exception, you must carry that prior written permission on you at all times.
8. You are to reside at Number 3 Natasaheeni in Carcross, Yukon, and not change that residence without the prior written permission of your bail supervisor.
9. You are to attend Alcoholics Anonymous meetings each Wednesday and Friday in Carcross, and not miss any.
10. You are to make contact with Eileen Wally no less than three times per week and no less than once per week in person, so you may be able to touch base with her by phone, but at least once per week, in person, you have got to make contact. Do you understand that?

[8] THE ACCUSED: Yes.

[9] THE COURT:

11. You are to maintain your employment.

[10] Are there any conditions you do not understand, Mr. Matthews?

[11] THE ACCUSED: No.

[12] THE COURT: Do you understand them all?

[13] THE ACCUSED: Yes.

[14] MR. KOMOSKY: Your Worship, the one thing that comes to mind on the attend AA clause; perhaps there should be the additional language of "and provide proof of such attendance to your bail supervisor." Otherwise, due to the anonymous requirement of the organization, I'm not sure that they'll just give out the names of people who are attending.

[15] THE COURT: That is a good point. So your attendance at Alcohol Anonymous meetings must be accompanied by some form of notification that you would then provide to your bail supervisor to show that you are making those meetings, all right? So probably the best way to do that is, of course, you should be finding yourself a sponsor, an AA sponsor, and through your sponsor then, you would have verification of the meetings that you are in fact attending, all right?

[16] THE ACCUSED: And then she --

[17] THE COURT: Pardon me?

[18] THE ACCUSED: Then my sponsor would verify that to Eileen Wally?

[19] THE COURT: Yes, that would be one way. Your bail supervisor is the one that is ultimately going to have to know that you are in fact

attending these meetings regularly, okay?

CAMERON J.P.T.C.