

Citation: *R. v. McGinty*, 2009 YKTC 109

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09-00399  
09-00399A  
09-00399B  
09-00400  
Registry: Whitehorse

**IN THE TERRITORIAL COURT OF YUKON**

Before: His Honour Judge Faulkner

REGINA

v.

DESMOND MCGINTY

Appearances:  
Bonnie Macdonald  
Emily Hill

Counsel for Crown  
Counsel for Defence

**REASONS FOR SENTENCING**

[1] FAULKNER T.C.J. (Oral): Desmond McGinty has entered pleas of guilty to five different offences: two charges of theft, which were shopliftings, a charge of breach of probation, and two charges of breach of undertaking. The probation breach was a fail to report. The undertaking breaches in each case were the consumption of alcohol in the face of a clause that forbade him to consume alcohol.

[2] I tend to agree with Ms. Hill that Mr. McGinty is becoming a nuisance offender and about all that the Court can do at this point is to give the public a period of respite commensurate with the gravity of the offences to which he has entered guilty pleas.

[3] On each of the charges of theft, 60 days consecutive to one another. On the charge of breach of probation, 30 days consecutive. On each of the breach of undertaking charges, one day in addition to time served, which I calculate at 30 days on each count. The net effect is a sentence of five months going forward from today.

[4] Surcharges are waived. The remaining counts?

[5] MS. MACDONALD: Your Honour, anything to which a guilty plea was not entered, the Crown enters a stay of proceedings.

[6] THE COURT: Thank you.

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FAULKNER T.C.J.