

IN THE TERRITORIAL COURT OF YUKON
(Before His Honour Judge Faulkner)

REGINA

v.

THORIN MULLIN

Michael Cozens

For the Crown

Thorin Mullin

On his own behalf

REASONS FOR SENTENCING

[1] FAULKNER T.C.J.(Oral): Well, Mr. Mullin, you have a horrendous criminal record and it includes numerous convictions related to the present offences. The circumstances of these offences are further aggravated by your conduct throughout the course of the investigation. It is, I think, fortunate for you, and may well have been a slip on the Crown's part, that they only proceeded by summary conviction, because in virtually any case I have seen where someone with your prior record of drinking and driving offences is charged, the Crown would have proceeded by indictment, and had they proceeded by indictment, based on decisions of the Yukon Court of Appeal, you would be looking at something like two years in jail. So you may not agree with me, but you did have one stroke of luck during the course of this whole affair.

[2] Now having said that, I agree with Mr. Cozens that the sentence in your case for the impaired should be one of six months, which is the maximum allowable, given all of the circumstances, which I will not dwell on.

[3] With respect to the charge of impaired driving, you are sentenced to a period of imprisonment of six months and you are prohibited from operating a motor vehicle anywhere in Canada for a period of three years following your release from imprisonment.

[4] With respect to the charge of refusal, a further period of imprisonment of three months is warranted, but you are entitled to credit for the time that you have already spent in custody and, generally, credit is given at the rate of two days for each day of remand time, which in your case would come out to roughly three months, so allowing you credit for the time served, then, the sentence on the refusal will be one of time served.

[5] With respect to the charge of breach of probation, again, you have a very unenviable record of prior convictions for breach, and the least sentence that I could in all conscience impose with respect to that matter is a sentence of 60 days, to be served consecutively.

[6] The effective sentence then is one of eight months. In the circumstances I will waive the surcharges.