

Citation: *R. v. Parker*, 2011 YKTC 27

Date: 20110222
Docket: 10-11026
09-00522
09-00522A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

PATRICK ALLAN PARKER

Appearances:
Terri Nguyen
Kim Hawkins

Appearing for the Crown
Appearing for the Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): I guess the chief issue before the Court, oddly enough, is whether this is sort of a one-shot deal or a matter with some history to it. It seems to me, without having any regard to what is contained in the victim impact statements or what either of the parents involved have said, that there is, indeed, more to this incident than simply a bottle thrown through a window. There obviously is a history between these boys, and it is quite obvious that on the evening in question Mr. Parker went to the White residence with the intention of at least annoying, if not intimidating, the Whites. It is quite obvious from the trial itself. There was no other

reason for Mr. Parker to be there.

[2] The Crown seeks a period of imprisonment of one day with respect to that incident, and a breach of undertaking, to be followed by a year's probation.

[3] The defence seeks a conditional discharge.

[4] With respect to whether there should be a discharge, it is certainly in Mr. Parker's favour that he has no prior record, but, as I say, there is clearly some history to this matter. This was not kind of a one-shot deal, a bolt out of the blue. There is also the matter of the breach and, in my view, a discharge would not be an appropriate response.

[5] With respect to these charges, in each of them, Mr. Parker, you are sentenced to a period of imprisonment of one day. Following your release from imprisonment, you will be subject to a probation order for a period of 12 months. The terms of that order will be that:

1. You keep the peace and be of good behaviour;
2. You report to the Court as and when required;
3. You will report within two working days to an Adult Probation Officer, and thereafter, as, when and in the manner directed;
4. You will advise the Probation Officer in advance of any change of name or address; and promptly notify him of any change of occupation or employment;
5. You will have no contact, directly or indirectly, with Dustin White;
6. You will not attend at or within 50 metres of his place of residence;

7. You will not attend at or within 50 metres of his place of employment;
8. You will take such assessment and counselling as the Probation Officer directs;
9. You will abstain from the possession or consumption of alcohol or controlled drugs or substances, except in accordance with a prescription from a qualified medical practitioner.

[6] Now, Ms. Nguyen, I forgot to ask, is it confirmed that restitution was paid with respect to the window?

[7] MS. NGUYEN: If I might just have a moment, sir.

[8] KELLY WHITE: If I can -- I can speak to that. Yes, it was paid.

[9] MS. NGUYEN: Yes.

[10] KELLY WHITE: Dylan Wabisca's mom paid it, so maybe she could get back, however that works, but she did pay it.

[11] THE COURT: Well, somebody paid for it?

[12] MS. NGUYEN: Yes.

[13] KELLY WHITE: Yes.

[14] THE COURT: All right.

[15] MS. NGUYEN: Thank you, sir.

[16] THE COURT: The probationer will make a contribution of \$250 to such charity as he will select and his Probation Officer will approve, and he will provide documentary evidence that that has been paid. It is to be paid within six months after the order comes into effect.

[17] There will also be a victim surcharge of \$50 on each count. Does he require time to pay those?

[18] MS. HAWKINS: Sorry. Two months, please.

[19] THE COURT: Sixty days time to pay.

[20] THE CLERK: Your Honour, that's one day on each -- one day jail on each?

[21] THE COURT: Yes.

[22] THE CLERK: Thank you. Is the probation attached to both of them?

[23] THE COURT: Yes.

[24] THE CLERK: Thank you.

[25] MS. NGUYEN: Thank you, sir. The remaining counts are withdrawn.

[26] THE COURT: Any objection?

[27] MS. HAWKINS: No objection.

[28] THE COURT: Withdrawn at the request of the Crown.

[29] MS. NGUYEN: Thank you, sir.

FAULKNER T.C.J.