

Citation: *R. v. Quash*, 2010 YKTC 79

Date: 20100715
Docket: 07-00671E
07-00671F
07-00671G
10-00143
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Cozens

REGINA

v.

BOBBY RONNY QUASH

Appearances:
Bonnie Macdonald
Nils Clarke

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] COZENS T.C.J. (Oral): Bobby Quash has entered guilty pleas to five offences. First, in May of this year, Mr. Quash was bound by two probation orders, one imposed by Judge Ruddy in 2007 that was for three years, and one imposed by myself in 2009 that was for three years. The terms of the order imposed by me required that he keep the peace and be of good behaviour, amongst other terms. The order imposed by Judge Ruddy had a term that he abstain absolutely from the possession or consumption of alcohol and controlled drugs or substances.

[2] On May 1st of this year, RCMP had reason to arrest Mr. Quash on an allegation of a breach of consumption, which Crown is not proceeding with today. He was released on a promise to appear. He did not appear in court on May 19, 2010. On May 1st of this year he was found passed out, intoxicated, behind the Whitehorse Elementary School and a blood/alcohol reading of 166 milligram percentile was recorded, thus constituting a s. 733.1(1) offence.

[3] On May 27th of this year, he was involved in a dispute with his stepfather, Hank Henry, in which his mother, Sally Johnny was involved. This dispute arises from a somewhat dysfunctional familial background dynamic that currently is at play, which I will not go into. I note that both complainants were intoxicated at the time, and that Mr. Quash assaulted Mr. Henry and Ms. Johnny, causing a small cut to Mr. Henry, some bruising and swelling and a very sore arm for Sally Johnny. This assault took place while she was trying to call 9-1-1 and Mr. Quash grabbed the phone from her. He was arrested later that day and provided a breath sample reading of 260 milligram percentile. So, from May 27th, we have two s. 266 charges and a s. 733.1(1).

[4] There is a joint submission before me with respect to the further period of custody that should be imposed on Mr. Quash. I am well familiar with Mr. Quash and with Mr. Quash's background. Counsel had filed a decision that I released last year in May in which much of his family background and personal circumstances are discussed and I do not propose to go into that any further. I am satisfied, taking into account all of the circumstances, including Mr. Quash's significant criminal record with serious offences, his personal circumstances, the fact that certainly his counsel is very familiar with Mr. Quash and his personal circumstances and with my decision, that

Crown counsel is also familiar with Mr. Quash's circumstances, that the joint recommendation is appropriate and it will be imposed.

[5] The sentence is as follows: On the s. 733.1(1) charges plus the s. 145(5) charge, the sentence will be one day deemed served concurrent to each other, taking into account the 50 days pre-trial custody. There will be a further 80 days imposed on each of the assaults consecutive to each other for a total of another 160 days. Effectively, the global disposition is in the range of seven months.

[6] There will not be any further probation as Mr. Quash is on probation for a while.

[7] There will not be a weapons prohibition or a DNA order as currently Crown has indicated both of those are not necessary due to the prior charges.

[8] Mr. Quash, there will be some more time. You will be on probation afterwards. Just pick it up from there. Okay?

[9] THE ACCUSED: Okay.

[10] THE COURT: The victim fine surcharges are waived, and there are stays on all charges to which guilty pleas have not been entered?

[11] MS. MACDONALD: That's correct.

COZENS T.C.J.