

Citation: *R. v. Selamio*, 2008 YKTC 44

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07-00768
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Honour Judge Faulkner

REGINA

v.

JASON CONRAD SELAMIO

Appearances:
Eric Marcoux
Jamie Van Wart

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): Jason Conrad Selamio is charged with assaulting Lawrence Boss with a weapon, to wit a two-by-four. The photos of Mr. Boss's injuries that were entered in evidence make it crystal clear, beyond any doubt whatsoever, that Mr. Boss was the victim of a rather serious assault; extensive bruising is all too apparent in those photographs.

[2] So if any attack can be mounted on Mr. Boss' evidence, it would be on the issue of whether or not he is correct in identifying Mr. Selamio as his assailant. In that regard, I found Mr. Boss' testimony credible and believable. There was no reason advanced for

him to falsely accuse Mr. Selamio, and indeed it was apparent that Mr. Boss had been reluctant, initially, to go to the police, which makes it all the more unlikely that he would simply concoct some sort of story out of whole cloth involving Mr. Selamio.

[3] Additionally, in my view, there is no reason to think that he has misidentified Mr. Selamio. Mr. Selamio was a person that he knew, had spent time with at the Salvation Army, and indeed, as Mr. Boss describes, prior to the attack he and Mr. Selamio spent some period of time together sharing a cider. So while Mr. Boss may well be off by a day on the date of the assault, I am satisfied that he was assaulted and I am satisfied that Mr. Selamio was the author of that assault. I find him guilty.

[4] MR. VAN WART: We are prepared to proceed to sentencing, Your Honour. I assume the Crown is as well?

[5] MR. MARCOUX: Yes.

(Submissions on sentencing by counsel)

[6] THE COURT: Jason Selamio was convicted after trial of a charge of assault with a weapon. He has also today entered guilty pleas to three breaches of release orders. The breach in each case involved him consuming alcohol in contravention of a clause in the orders that forbade him to possess or consume alcohol.

[7] The assault with a weapon charge is quite a serious matter. Mr. Selamio encountered a man by the name of Lawrence Boss, who was asked to share some alcohol with Mr. Selamio. Mr. Boss agreed to do that. The two men shared a few sips of alcohol, and then Mr. Boss turned to go on his way, at which point, he was attacked

from behind by Mr. Selamio wielding a two-by-four. Mr. Selamio proceeded to administer a fairly significant beating to Mr. Boss, as the photographs that were entered at the trial can attest.

[8] Mr. Selamio is 36 years of age and is an Inuvialuit. Despite being only 36 years of age, he has a record now in excess of four pages long. It is absolutely horrendous and includes at least eight prior crimes of violence, including assault causing bodily harm, assault with a weapon and robbery. The record is not only serious but it is more or less continuous, punctuated only by the periods of time that he has been in custody. So Mr. Selamio is the type of offender who needs to be separated from society for the safety and protection of the public.

[9] The Crown proceeded by summary conviction. Consequently, the maximum sentence is one of 18 months. Given the background of this offender and the circumstances of the offence, I agree with the Crown that a sentence toward the higher end of a permissible sentence, with, obviously, the cap being 18 months, should be imposed.

[10] With respect to the breach charges, those also warrant custodial sentences in the usual 30-day kind of range. The only real question in my mind is the question of what credit should be given for the time Mr. Selamio has served. He now has 62 days of pre-trial custody. At the usual rate of one and a half days for each day served, that would give him something in the order of 90 to 95 days of pre-trial credit.

[11] Without trying to parse it up too finely, I am going to impose, with respect to the breach charges, one day on each in addition to time served, which I calculate at 30

days. With respect to the assault charge, 14 months in addition to time served, which I calculate at 60 days.

[12] There will also be an order whereby Mr. Selamio will provide samples of bodily substances for the purpose of DNA analysis and banking.

[13] I am also satisfied, given Mr. Selamio's track record, that he is not a person who should be in possession of firearms. I therefore direct that he not be in possession of any firearm, crossbow, restricted weapon, ammunition or explosive substance for a period of 10 years following his release from imprisonment. He is prohibited from having in his possession any prohibited firearm, restricted firearm, prohibited weapon, prohibited device or prohibited ammunition for a similar period.

[14] Surcharges are waived.

[15] MR. MARCOUX: Before -- Your Honour, I would like to ask the clerk to enter a stay of proceedings on all remaining counts.

[16] THE COURT: Yes, thank you.

[17] THE CLERK: Thank you.

FAULKNER T.C.J.