

Publication of information that could disclose
the identity of the complainant or witness has been
prohibited pursuant to s. 486(4.1) of the Criminal Code.

Date: 20030527
Docket No.: S.C. 02-00541A,
01-00668C
Registry: Whitehorse

R. v. Sharp, 2003 YKSC 35

IN THE SUPREME COURT OF THE YUKON TERRITORY

BETWEEN:

HER MAJESTY THE QUEEN

AND:

THOMAS PAUL SHARP

Edward Horembala, Q.C.

For the Crown

Gordon Coffin

For the Defence

**MEMORANDUM OF RULING
DELIVERED FROM THE BENCH**

[1] VEALE J. (Oral): The Crown has applied under rule 669.2(1) of the *Criminal Code* for the continuation of this proceeding before another judge.

[2] Thomas Sharp was convicted on November 7, 2002 of forcible seizure contrary to s. 279(2) of the *Criminal Code*. On November 12, 2002 he pled guilty and was convicted of sexual assault while carrying a weapon, contrary to s. 272(2)(b) of the *Criminal Code*, and kidnapping and confining contrary to s. 279(1.1)(b) of the *Criminal Code*; all before Justice Hudson.

[3] Before sentencing proceeded, the Crown applied for and was granted, on January 14, 2003, by Justice Hudson, a remand for the assessment of Thomas Sharp by experts pursuant to s. 752.1 of the *Criminal Code*. That assessment has been completed and filed. I note that the Crown has filed the necessary consent documentation from the Attorney General of Canada, under s. 754(a) of the *Criminal Code*, to proceed with the hearing of a Dangerous Offender Application under s. 753.

[4] Justice Hudson became ill in the latter part of March of 2003, and as a result of that illness will be retiring on September 1, 2003. Counsel have advised me that the application is complex and cannot be heard until the fall of 2003. It will, therefore, not be possible for Justice Hudson to hear the matter before his retirement.

[5] I am therefore ordering that the Dangerous Offender Application be continued before me. I have discussed dates with counsel and will set the matter down for three weeks. The first two weeks will commence on the weeks of September 8 and September 15, 2003. The third week will commence on October 6, 2003. I can also indicate that dates have been set aside, I believe, in the month of July should any interim applications be required to assure that the application will be ready to proceed on September 8, 2003.

VEALE J.