

IN THE SUPREME COURT OF THE YUKON TERRITORY

BETWEEN:

HER MAJESTY THE QUEEN

AND:

WILLIAM JOHN SPOONEMORE

HUGH CONNOLLY

For the Crown

GEORGE WOOL

For the Defence

**MEMORANDUM OF SENTENCE
DELIVERED FROM THE BENCH**

[1] VEALE J. (Oral): Mr. Spoonemore has been convicted of assault causing bodily harm in an incident that occurred in a remote hunting camp in the Yukon Territory on September 17, 2000. Mr. Spoonemore struck Craig Leppert two times on the head with a steel-shank claw hammer.

[2] Mr. Spoonemore, to his credit, has been a law-abiding citizen for most of his 54 years and does not have a criminal record and generally appears to me to be an individual that is not likely to repeat or be involved in this kind of situation. It appears to be an isolated and uncharacteristic event arising out of a remote location and an intense dislike between two individuals. However, he was reckless and endangered the life of an individual.

[3] The Crown and defence have made a joint submission and I am prepared to agree with that joint submission. There will be a suspended sentence and probation of one year with the probation conditions of keeping the peace and being of good behaviour, reporting by telephone to the R.C.M.P. establishment at Moosomin, Saskatchewan once a month, and to have no contact directly or indirectly with Craig Leppert.

[4] Section 109 requires that there be a mandatory weapons prohibition order and I therefore order that Mr. Spoonemore be prohibited from possessing any firearm, which means any cross-bow, restricted weapon, ammunition and explosive substance during the 10 year period that begins today, and that he be prohibited from possessing any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life. And I make that order under s. 109(2), which appears to be the appropriate section. Do you agree with that, Mr. Connolly?

[5] MR. CONNOLLY: Yes, My Lord.

[6] THE COURT: Anything further, counsel?

[7] MR. WOOL: Did I miss there, he can make that report by telephone?

[8] THE COURT: You heard that.

[9] MR. WOOL: I heard that.

[10] THE COURT: It is by phone.

[11] MR. WOOL: By phone, thank you.

[12] THE CLERK: You wanted to raise the issue of bail?

[13] MR. WOOL: Oh, yes, do you want to specify what day of
-- the beginning of each month or --

[14] THE COURT: What is convenient in that respect? I
suppose the beginning of the month, is that the --

[15] THE ACCUSED: I suppose. I have Saturdays off. I don't
know, like --like usually -- like I find the R.C.M.P. station closes around five o'clock
and I'm usually working 'til six or seven --

[16] THE COURT: Okay. So you would rather do it on a
Saturday?

[17] THE ACCUSED: On a Saturday, one Saturday a month,
sometime during --

[18] THE COURT: Okay. Why don't the order then read,
Madam Clerk, that it be, that he make that telephone report on any Saturday once a
month at Moosomin R.C.M.P. detachment.

[19] MR. CONNOLLY: Could I might suggest, perhaps, the first
Saturday of every month, which would perhaps pin him down a bit more to a regular

reporting.

[20] THE COURT: The only difficult -- I suppose being that I have made it by phone, I do not think that is an unreasonable condition because you can call in from wherever you may be at that time. So I will make it the first Saturday, Madam Clerk.

[21] THE CLERK: Could you spell the place; where is this place?

[22] THE ACCUSED: Moosomin, that would be the nearest detachment. It's M-O-S -- M-O-O-S-O-M-I-N.

[23] THE COURT: Sounds good to me.

[24] MR. WOOL: Saskatchewan's the harder spelling.

[25] MR. CONNOLLY: Could a copy of this order be forwarded to the R.C.M.P. in Moosomin, as well?

[26] THE COURT: Do I have to make that a condition of the order, or are you just asking that I request the clerk to do so?

[27] MR. CONNOLLY: I don't think you have to make it a condition. I'm asking that you direct the clerk --

[28] THE COURT: Madam Clerk, can you arrange for that?

[29] THE CLERK: Yes.

[30] THE COURT: Thank you.

[31] THE CLERK: Did you not want to raise the issue of the bail?

[32] MR. WOOL: Oh, the bail. I take it there's \$500 Crown consents to be released to Mr. Spoonemore --

[33] THE COURT: I order that the \$500 --

[34] MR. CONNOLLY: Yes, that's correct. I trust the money was forwarded up to here. I would think that he was placed under arrest in --

[35] THE COURT: Clinton.

[36] MR. CONNOLLY: -- down south, somewhere down south, and --

[37] THE COURT: Madam Clerk can assist with that, but I certainly order that the cash bail of \$500 be returned to Mr. Spoonemore.

[38] MR. WOOL: Fine. I'll just file this written consent from the Crown with Madam Clerk.

VEALE J.