

Citation: *R. v. Venables*, 2009 YKTC 97

Date: 20090828
Docket: 09-00209A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

SHANE TYRONE VENABLES

Appearances:
Noel Sinclair
James Van Wart

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): Shane Tyrone Venables has entered pleas of guilty to a charge of possession of stolen property in excess of \$5,000 and a charge of breach of probation.

[2] The property in question was a truck worth some \$28,000 which was stolen in Atlin, B.C. At the time, the truck contained a considerable quantity of tools and other personal property belonging to the operator of the truck. Eventually, Mr. Venables was found in possession of the truck and property here in the Yukon. It should be noted that the truck and, I gather, most of the personal property was recovered, but it appears to have been through the actions of Mr. Venables' relatives, not his own actions.

[3] At the time of the commission of the offence, Mr. Venables was on probation. One of the conditions of the probation order, which was imposed in British Columbia, was that he remain in British Columbia. As I say, he was found in the Yukon.

[4] It is worthy of note that the last time Mr. Venables was in trouble it was also for possession of stolen property, and there are many instances prior to that. In fact, he has, it would appear, just under 40 prior convictions. There are many, many entries related to the present circumstances. Looking at Mr. Venables' record, considering he is now in his mid-30s, the only conclusion the Court can come to is that Mr. Venables is, essentially, a career criminal, and in this case has offended whilst on probation.

[5] It must also be said that, looking at his record and considering how horrendous it is, that in many cases he has been treated quite leniently by the courts. I think the long and the short of it is that the public is entitled to some time of respite from Mr. Venables' thieving ways, and the sort of sentence contended for by the Crown is, in my view, entirely fit.

[6] With respect to the charge of possession of stolen property, my intention is to impose a sentence of one year; however, he is entitled, certainly, to credit for the time that he has spent in custody, which now approaches four months. So that leaves a remanet of eight months yet to be served.

[7] With respect to the breach of probation charge, you are sentenced to a term of imprisonment of 60 days. Since I have considered it an aggravating circumstance with respect to the commission of the principal offence, that sentence may be served concurrently.

[8] The surcharges are \$100 on each count.

[9] MR. VAN WART: Well, I guess, my first submission on the surcharges would be, ask the Court to consider waiving them, given he's been in custody for some time and he will be in custody for a further eight months. In the alternative, I would ask the Court to give him a fair time to pay after he's released from custody; probably a two month time to pay.

[10] THE COURT: Yes, he can serve the time in default.

[11] MR. VAN WANT: Okay.

[12] THE COURT: Payable forthwith.

[13] MR. VAN WART: Okay. And that's concurrently?

[14] THE COURT: Concurrent. The remaining counts?

[15] MR. SINCLAIR: Direct a stay of proceedings.

FAULKNER T.C.J.