

Citation: *R. v. Bonnefoy*, 2008 YKTC 36

Date: 20080121
Docket: T.C. 07-00670
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Worship Justice of the Peace Cameron

REGINA

v.

DAVID GUY BONNEFOY

Appearances:

David McWhinnie
Jennifer Cunningham

Counsel for Crown
Appearing as Duty Counsel

REASONS FOR JUDGMENT

[1] CAMERON J.P.T.C. (Oral): Pursuant to s. 524, outstanding process will be revoked in regards to Mr. Bonnefoy. Mr. Bonnefoy's father is who?

[2] MS. CUNNINGHAM: John Bonnefoy.

[3] THE COURT: Mr. Bonnefoy, in order that you can be released from custody today you will be required to sign a recognizance. When you sign the recognizance you are promising the Court that you will abide by the conditions of it. Do you understand that?

[4] THE ACCUSED: Yes, I do.

[5] THE COURT: The recognizance is going to have the amount of \$250, no deposit. So your failure to abide by any of the conditions of the release, you could find yourself immediately owing \$250 to the Crown. In addition, your father, John Bonnefoy, is going to be asked to sign as a surety. When he signs as a surety he is promising that if he becomes aware that you are not abiding by any of your conditions he will, in fact, turn you in. His failure to do so could cost him \$250 as well. Do you understand that?

[6] THE ACCUSED: Yes, sir.

[7] MS. CUNNINGHAM: Proposing January the 28th. Though I do not think Your Worship may be done yet, I was just looking at the next court date.

[8] THE COURT: Is this a DVTO matter?

[9] MS. CUNNINGHAM: It is.

[10] THE COURT: Then it would be February 4th.

[11] MS. CUNNINGHAM: Or just -- if I could just have a moment. Okay. Actually, if I could just have one moment. Sorry, if I could change my mind and ask that this first appear, please, January 30th at 9:30, normal docket court date?

[12] THE COURT: Okay. The conditions, Mr. Bonnefoy, that you are going to be required to abide by are as follows:

1. Keep the peace and be of good behaviour;

2. Report immediately to a bail supervisor and thereafter as often as directed and in the manner directed by the bail supervisor;
3. Provide your bail supervisor with your residence and not change that residence without the prior approval of your bail supervisor;
4. Not to have any contact, direct or indirect or communication in any way with Maggie Bonnefoy or Joseph Benjamin except as allowed by the bail supervisor in consultation with Family and Children Services, Victim Services and the Spousal Abuse Program;

So that means that you will be able to have contact but you have to ensure that your bail supervisor has in fact allowed you that contact, and they will consult with the aforementioned groups.

5. Abstain absolutely from possession or consumption of alcohol and non-medical use of drugs, except for drugs that are prescribed to you by a qualified practitioner;
6. Attend for assessment, counselling and programming as directed by your bail supervisor;
7. Not to be found in attendance within 100 metres of the residence 66 - 4 Prospector Road except as allowed by your bail supervisor in consultation with Family and Children Services, Victim Services, and the Spousal Abuse Program;

[13] The no contact order, just to be clear, means that you cannot phone her, you cannot write her notes, you cannot tell somebody to tell her something; either of these individuals I should say, you cannot fax them, email them, leave messages on phone

answering machines, et cetera. If either of them attempts to communicate with you directly or in any other way, you must break off that communication unless you have the approval of your bail supervisor to carry on, understand? Are there any of those conditions you do not understand?

[14] THE ACCUSED: No, sir. Can I talk to my lawyer for a moment?

[15] THE COURT: Yes.

[16] THE CLERK: Your Worship, can you please repeat the counselling clause?

[17] THE COURT: Attend for assessment, counselling and programming as directed.

[18] THE CLERK: Thank you.

[19] MS. CUNNINGHAM: Thank you.

[20] MR. MCWHINNIE: Thank you.

[21] THE COURT: Finally:

8. Attend court as required.

[22] Your next court appearance would be January the 30th at 9:30, at that time for election and plea, okay? Mr. Bonnefoy, you will be required to sign the document. The document will be ready for you in about 20 minutes at the court registry. Thank you, sir.

CAMERON J.P.T.C.