

Citation: *R. v. Gagnon*, 2006 YKTC 73

Date: 20060404  
Docket: T.C. 04-10027  
Registry: Whitehorse

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

**REGINA**

v.

**MICHAEL ALEXANDER GAGNON**

Appearances:  
Edith Campbell  
Lynn MacDiarmid

Counsel for the Crown  
Counsel for the Defence

**REASONS FOR SENTENCE**

[1] FAULKNER C.J.T.C. (Oral): In this case, Michael Gagnon was found guilty after trial on a charge of fraud. He has subsequently entered a guilty plea on a charge of failing to attend court. With respect to both of these crimes, and in particular the fraud charge, I note that Mr. Gagnon has a very extensive and related record, numerous entries for fraud, false pretences, forgery, impersonation, as well as four prior failing to appear convictions.

[2] The fraud itself was, in my view, rather audacious. It was committed on an elderly and trusting couple and amounted or resulted in a loss which was significant for them, albeit it was not a large sum of money. Given the circumstances of the offences

and Mr. Gagnon's record, a custodial sentence well above the nominal range is warranted.

[3] Given that there are two matters before the Court, as I take into account the totality of the sentences to be imposed with respect to these matters, on the charge of fraud, in my view, a fit sentence is one of six months, and on the charge of failing to appear, 45 days, for a total of seven and a half months. Allowing credit of four and a half months for the time served results in a remanet of three months yet to be served.

[4] Following your release from imprisonment, Mr. Gagnon, you will be subject to a probation order for a period of nine months. The terms will be that you will:

1. Keep the peace and be of good behaviour;
2. Report to the Court as and when required;
3. Report within two working days after your release from imprisonment to a probation officer and thereafter as directed;
4. Advise the probation officer in advance of any change of name or address;
5. Promptly notify him of any change of occupation or employment;
6. Make restitution by paying into the Clerk of the Territorial Court, the sum of \$800 in trust for John DesRosiers, that sum to be paid within six months after the probation order comes into force.

[5] In an effort to give priority to the payment of restitution to the victim of the offence, I will waive the surcharges.

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FAULKNER C.J.T.C.