

IN THE SUPREME COURT OF THE YUKON TERRITORY

Citation: *R. v. Gillingwater*, 2006 YKSC 10

Date: 20060131
Docket: S.C. No. 05-01512
Registry: Whitehorse

BETWEEN:

HER MAJESTY THE QUEEN

AND:

STANLEY EDWARD GILLINGWATER

Before: Mr. Justice L. F. Gower

Appearances:
Peter Chisholm
Stanley Gillingwater

For the Crown
On his own behalf

**MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH**

[1] GOWER J. (Oral): I am going to order that half of the \$1,000 cash deposit be forfeited and the remainder returned to Mr. Gillingwater. Mr. Gillingwater explains that he was a licensed mechanic putting in a transmission in a friend's or an associate's van. That friend or associate's female partner was present. They were working on the vehicle. This was July 12, 2004. They were on Mr. Gillingwater's property. Mr. Gillingwater was not wearing a watch, as he normally does not during such mechanical work. He and his friend both lost track of the time. They went into his residence to wash up, and they were found in the residence, the two other individuals

and Mr. Gillingwater, at about 10:56 p.m. when the bail supervisor contacted Mr. Gillingwater.

[2] He has pled guilty to the offence. He admits that he is responsible for not being more attentive to the time than he was and because he was not fully attentive to the time, he should bear some responsibility. But this is not the most serious of breaches and I am prepared, for those reasons, to return half of the recognizance to him. The half that is being forfeited will hopefully stand as a reminder to Mr. Gillingwater that if he is put on a recognizance in the future he is expected to abide by the court's orders to the letter.

[3] THE ACCUSED: Yes, sir.

[4] THE COURT: All right. Anything more?

[5] THE ACCUSED: No, sir.

[6] MR. CHISHOLM: Nothing further, My Lord.

[7] THE COURT: Thank you.

GOWER J.