

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

REGINA

v.

J.R.B.

**Publication of identifying information is prohibited by s. 110 (1) of the
*Youth Criminal Justice Act.***

Appearances:

Kevin Drolet

Samantha Wellman

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): Mr. J.B. has plead guilty to one count of s. 267(a). Both counsel have waived the necessity for a pre-sentence report as there is a rather comprehensive bail supervision report before the court.

[2] Facts presented are, on January 14, this year, Mr. J.B. while living at home, got into an argument with his father. The argument escalated to J.B. making a statement, "I'll fucking kill you." At that point he picked up an axe and continued to yell at his father, "Come on, come on, let's go." His father picked up a chair in order to ward off any possible attack.

[3] There was no subsequent attack executed by J.B.

[4] Young Mr. J.B comes before the court; he has a record that has got a few involvements. However, none of them are violence related at this point in time.

[5] Mr. J.B. is a young man of seventeen years of age. He has a history of involvement with community supervision and has done well on that type of supervision.

[6] Crown is seeking designation that this is a serious violent offence, pursuant to s. 42(9). Basically, I have a joint submission suggesting that Mr. J.B. be given credit for his custody time of one week and that he receive an intensive support and supervision order for a period of 12 months.

[7] Firstly, pursuant to the s. 42(9), the court is content that this is a serious violent offence and it should be recorded as such. It is clear that there are a number of issues that seem to continue to arise in a confrontive manner between Mr. J.B. and his father from time to time.

[8] The court is content, however, that the suggested disposition is an appropriate one. I am going to direct that you are to be involved in an intensive support supervision order for a period of 12 months. The conditions of your order are going to be as follows:

1. You are to keep the peace and be of good behaviour.
2. You must report immediately to your youth worker and thereafter as often as directed in the manner directed by your youth worker.
3. You are to reside in such places as approved in advance by your youth worker and not change that residence without the approval of your youth worker.
4. You must abide by a curfew between the hours of 10:00 p.m. and 6:00

a.m. and at all times between those hours you must be inside your approved residence.

5. You must present yourself to the door during random curfew checks and/or answer the phone personally or speak on the phone personally if they are telephone checks.
6. You are to abstain absolutely from the consumption or possession of alcohol and the non-medical use of drugs. Submit, upon any reasonable demand by a peace officer or youth worker, to provide samples of your breath or bodily fluids as is necessary to determine if you are abiding by this condition.
7. You are to attend for a psychological assessment and thereafter treatment and counselling as may be directed by your youth worker.
8. You are to attend the violent offender counselling program and anger management program as directed by your youth worker.
9. You are to attend and participate in a family group conference as facilitated and/or arranged by your youth worker.
10. You are to complete 80 hours of community work service. Again, I am going to indicate that your youth worker has the discretion that any time spent in family group conferencing, counselling, assessment, or treatment programs, that they wish to attribute towards that 80 hours, they may do so.
11. You are to have no contact, direct or indirect, or communicate in any way with R.B. except in the following manner: in public places and in the direct supervision of D.A. or such other adult as is approved in writing by the youth worker. Basically, what it is saying is you are not to have unsupervised contact with your father.

[9] There will be a review of these conditions in six weeks time. That will be March 18, 2004, at noon. At that time, several of these conditions may be considered for either deletion, removal, or modification, depending on how your performance has been in the last six weeks.

[10] There should also be a condition that you attend day programming or seek and maintain employment or educational programming, as directed by your youth worker.

[11] There will be a requirement that you provide samples of your DNA and, pursuant to s. 109, you will be prohibited from owning or possessing any firearms, ammunition or explosive devices for a period of two years.

[12] MS. POWERS: Your Worship, just speaking with D., who is J.B.'s mother, one thing that she wanted to ensure that the court was aware of is in regards to the no contact order. D. has indicated that she did get a place but she is the sole financial contributor to this family and having to move out and maintain a new residency is and will be a very difficult burden for her. She's hoping that the court will recognize this in the no contact and the possibilities that there soon being able to reunite the family. That is one of her biggest concerns right now.

[13] THE COURT: Yes, and I appreciate that. I think that is probably one of the main reasons that would be driving a six-week review. Normally reviews on these matters would be several months down the road, but in this matter, I think one of the purposes is that within that six weeks, if it looks like it is safe to, in fact, remove some of these restrictions, that is what would hope to be done. Ms. Powers?

[14] MS. POWERS: I just wanted to clarify; Mr. B.'s first name is R. not R.

[15] THE COURT: Okay. Thank you. I should indicate R.B.

[16] THE CLERK: Count number 2.

[17] MR. DROLET: The Crown directs a stay of proceedings.

[18] THE COURT: Count 2, a stay.

Cameron J.P.T.C.