

Citation: *R. v. J.P.R.*, 2010 YKTC 50

Date: 20100428
Docket: 09-00249A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

J.P.R.

Publication of information that could disclose the identity of the complainant, witness or justice system participant has been prohibited by court order pursuant to section 486.5(2) of the *Criminal Code*.

Appearances:
Bonnie Macdonald
David Christie

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): In the year 2000, the defendant, J.R., met a woman, L.R.. They began a relationship and eventually married. Two of L.R.'s daughters became part of a blended family, beginning when one of the girls was six and the other was age ten.

[2] The offender has continually and systematically sexually abused both girls. He began with touching and oral sex but soon moved to completed acts of sexual intercourse with both girls, acts that were repeated countless times over the years.

[3] In around 2006, the offender and L.R. separated and J.R. became the sole

custodian and guardian of the two girls. Free of any constraint that might otherwise have existed, the assaults continued unabated.

[4] J.R. plied the girls with alcohol and drugs. He also used money and other promises of favours to gain compliance. It is also clear that he tried to keep the girls isolated and away from others so that his access to them would be unmolested and so that the family secret would remain just that.

[5] Eventually, after nine long years, the older girl began running away and concurrently there was an anonymous complaint to Family and Children's Services about sexual abuse in J.R.'s home.

[6] J.R. initially denied the allegations when they were investigated by social workers; however, he clearly realized that it was only a matter of time before his activities were discovered. In the result, he turned himself into the police and made a full confession of his crimes in June of 2009. By this time, the girls were 12 and 14 years of age.

[7] Crown and defence jointly submit that the Court should impose a sentence of six years, less credit for time already spent in custody. To be clear, the offender, J.R., was charged with two counts of sexual assault, one with respect to each of his stepdaughters, and has entered guilty pleas on both counts.

[8] The mitigating factors in this case are few. The defendant turned himself in but did so anticipating early discovery of his crimes. He did, however, make a full confession, did not seek bail and entered guilty pleas.

[9] Although the matter has been before the Court for a considerable period of time I have been advised that the delay was not attributable to the defendant. He expresses the desire to obtain treatment for his sexual offending. He has not been able to do that to date but that is simply because that treatment was unavailable to him at Whitehorse Correctional Centre.

[10] The list of aggravating factors in this case is much longer. First, and perhaps foremost, J.R. stood in *loco parentis* to both these young girls. Indeed, during the last several years, he was their sole guardian. In consequence, this case represents a most egregious breach of trust. Second, it must be noted that there were two victims. Third, it must be noted that both are not yet 18 and were much, much younger when the assaults began.

[11] As well, the assaults included full sexual intercourse. Those assaults were in number beyond counting and continued for up to nine years in the case of the older girl. The victims were coerced into remaining silent with threats that they would be placed in foster care if their stepfather's activities were to be discovered or disclosed. He gave the girls alcohol, drugs and money to ensure their compliance. J.R.'s activities have had, and will have, a devastating impact on two young lives.

[12] Finally, J.R. has a prior record but it is unrelated to the present circumstances.

[13] The sentencing precedents in matters such as this are clear. They emphatically state that offences of this kind will attract lengthy penitentiary sentences in order to both denounce and deter such conduct. Moreover, in this case there is the additional factor that J.R. has been diagnosed as a pedophile and he clearly represents a risk to the

public, and that must also be taken into account.

[14] At the end of the day you simply say that words are inadequate to convey the horror of J.R.'s actions or to describe the sordid world in which his step-daughters were forced to live.

[15] In the absence of his guilty plea and a full confession, this offender's crimes would warrant a sentence close to, if not at, double digit length. In the circumstances, I am of the view that the sentence of six years contended for by both counsel is at the lower end of the range but not so low that I would not accede to it.

[16] In the result, sir, you will be subject to a term of imprisonment in a federal penitentiary for a period of six years, but I will, however, allow 15 months credit for time served, leaving a remanet of 57 months yet to be served.

[17] Additionally, there will be an order whereby you will provide samples of bodily substances for the purpose of DNA analysis and banking. Additionally, you will comply with the provisions of the *Sex Offender Information Registration Act* for a period of 20 years.

[18] Additionally, you will be subject to an order pursuant to s. 161(1) of the *Criminal Code* for life.

[19] Additionally, you are prohibited from having in your possession any firearm or ammunition or explosive substance or any of the related items more compendiously described in s. 109 of the *Criminal Code* for the remainder of your life.

[20] Finally, there will be an order pursuant to s. 743.21 of the *Criminal Code* prohibiting you from having contact with J.R., D.R., C.R., M.R., G.R. or L.R. during the custodial period except by order of the Court.

[21] In the circumstances, the surcharges are waived.

[22] I hereby direct that the exhibits in this matter be sealed and not be disclosed publically except where access is necessary for the purposes of correctional officials or otherwise by order of the Court.

FAULKNER T.C.J.