

Citation: *R. v. Sawrenko*, 2008 YKTC 31

Date: 20080206
Docket: T.C. 06-00075E
Registry: Whitehorse

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

REGINA

v.

IVAN SAWRENKO

Appearances:
Noel Sinclair
Lynn MacDiarmid

Counsel for Crown
Appearing as Duty Counsel

REASONS FOR JUDGMENT

[1] CAMERON J.P.T.C. (Oral): The primary grounds are not of great concern in regards to Mr. Sawrenko. He generally makes his court appearances. The secondary grounds are the concern and they arise mostly because of Mr. Sawrenko's prior history of difficulties, which clearly have involved a number of substances. More recently, it would appear to focus on alcohol problems.

[2] Unfortunately for Mr. Sawrenko, his history shows that not only does he have these ongoing substance issues but that he also has a propensity to violence. The allegations, and they are just allegations currently, but the outstanding charges allege, to say the least, bizarre behaviour bordering on potentially violent behaviour.

[3] The suggested release does not, in my view, address the concerns in regard to secondary grounds and Mr. Sawrenko is detained now on the secondary grounds.

[4] Return will be on February 13th at 9:30 for plea.

[5] THE ACCUSED: Why don't I just plea right now?

[6] THE COURT: Because we do not have time to deal with it, Mr. Sawrenko, not right now. It is a very busy day we have ahead of us.

[7] THE ACCUSED: I'm just detained on hearsay?

[8] THE COURT: No, you are detained on the secondary grounds. I am not convinced that you can stay out of trouble if you are released.

[9] THE ACCUSED: I have been out of trouble.

[10] THE COURT: Well, I know you have, but you have also been in trouble when you have been released.

[11] THE ACCUSED: No, I haven't been in trouble. That's hearsay.

[12] THE COURT: No, no, you have in the past been in trouble when released.

[13] THE ACCUSED: Yeah, but this is hearsay you're dealing with.

[14] THE COURT: Yes, it is. You can discuss it with your lawyer and decide what you --

[15] THE ACCUSED: It's hearsay.

[16] THE COURT: I am not deciding on hearsay. I am deciding on the probability.

[17] THE ACCUSED: This wasn't that -- saying I did this shit (indiscernible). So you're saying that this is bizarre behaviour so you are covering your ass by saying --

[18] THE COURT: You are in custody because you have been charged with some stuff.

[19] THE ACCUSED: (Indiscernible) tazered me and maced me and put a bag over my head and then they're telling -- so they're covering their carcasses, they're putting all this shit on me --

[20] THE COURT: Enough, Mr. Sawrenko. You can come back on Wednesday and we will deal with it then.

CAMERON J.P.T.C.