

IN THE SUPREME COURT OF THE YUKON TERRITORY

BETWEEN:

HER MAJESTY THE QUEEN

AND:

MICHAEL WILSON TOM

Peter Chisholm

For the Crown

Nils Clarke (Agent for John Anton)

For the Defence

**MEMORANDUM OF RULING
DELIVERED FROM THE BENCH**

[1] MR. CLARKE: Good afternoon, My Lord. I appear as Nils Clarke, I'll appear as agent for Mr. Anton. Mr. Tom is in the body of the court. I understand that Mr. Anton is not able to make his court appearance today. But I am here, prepared, to appear as his agent. In the circumstances we've made application to adjourn the matter, fixing a date in this matter, to the New Year. Suggested return date would be Tuesday, January the 14th at 1:30.

[2] MR. CHISHOLM: My Lord, that's agreeable with the Crown. I would ask Mr. Clarke, if he's in a position to waive any section 11(b) rights from today's date to the proposed return date on January 14th.

[3] VEALE J. (Oral): What section 11(b) right are you concerned about?

[4] MR. CHISHOLM: The right to be tried in a reasonable time.

[5] THE COURT: Oh, I see. Well if he won't waive them, I'll make a ruling but you'll waive it won't you?

[6] MR. CLARKE: I suppose, My Lord, to regularize the record, in that I have no specific knowledge of this file, it may be preferable for you to make a ruling.

[7] THE COURT: So ruled.

[8] MR. CHISHOLM: Thank you.

[9] MR. CLARKE: If we could briefly recall the Tom matter. My Lord, I just had an opportunity to speak to Mr. Tom. He advised that there may be some issue, with respect to his ability to make the attendance on January 14th, for the purpose of fixed date. Assuming, I'm in a position to advise Mr. Anton of the next date, would Crown counsel have any issue with Mr. Anton appearing for Mr. Tom, for the purposes of fixing a date.

[10] MR.CHISHOLM: If I could just have a moment.

[11] THE COURT: You should clue Mr. Clarke in perhaps, that Mr. Anton probably won't be appearing.

[12] MR. CHISHOLM: Yes. My Lord, I understand that the request was

made, due to the fact that, Mr. Tom may well be working at that time. So, if he is in fact working, the Crown is not opposed to counsel at that time.

[13] THE COURT: Appearing as agent. Thank you.

VEALE J.