

Citation: *R. v. Bishop*, 2009 YKTC 120

Date: 20091021
Docket: 08-11042C
08-11042D
09-11027
Registry: Dawson City

IN THE TERRITORIAL COURT OF YUKON

Before: Her Honour Chief Judge Ruddy

REGINA

v.

JEFFREY CRAIG BISHOP

Appearances:
Jennifer Grandy
Jeffrey Bishop

Appearing for Crown
Appearing on his own behalf

REASONS FOR SENTENCING

[1] RUDDY C.J.T.C. (Oral): Jeff Bishop is before me with respect to sentencing on a criminal harassment charge and two breaches of the abstain condition on his release order.

[2] The substantive offence arises in the fall of 2008. It appears that Mr. Bishop had been in a relationship with the complainant, Mandy Johnston. There was a break-up on October 16, 2008. I think it is fair to say Mr. Bishop did not handle that break-up remotely well. He then commenced to contact Ms. Johnston on numerous occasions. He was told by her that she did not want him to contact her and he was told by the police, and warned by the police, that he could be charged if he continued to contact

her. Notwithstanding those warnings, he persisted and he continued to contact her, including contact in person, by telephone, by e-mail.

[3] I have had filed as an exhibit a number of the e-mails that were sent by Mr. Bishop to Ms. Johnston. There are those, on the one end, that appear to be, as the Crown pointed out, fairly conciliatory, an effort to try and get her to speak to him with a view to rebuilding the relationship. But in addition to those, there are some e-mails which are profoundly disturbing, in terms of some of the things said and the information that he has included in there. I am not going to go into those for the purposes of the decision because I do not believe that the complainant needs that to be part of the decision, but suffice it to say, there are some very disturbing comments that were made; to the point, quite frankly, where I was surprised at the victim impact statement, that it was not more extreme than it was.

[4] But, in addition, the contact was not limited to her. Mr. Bishop took it beyond and sent letters, with, again, some very disturbing comments about her, to family members, to friends, and it was a pattern of behaviour that clearly caused her significant concern; some feelings of fear and vulnerability, and stuff that is going to linger, because, as I said, Mr. Bishop, you cannot take back what you have done and she is going to have to figure out how she comes to terms with it and does not have to keep looking over her shoulder and worrying about whether or not there is going to be a reoccurrence. So there are very concerning facts on the criminal harassment charge.

[5] Mr. Bishop was released on an undertaking with a number of conditions, including conditions requiring him to abstain absolutely from the possession and

consumption of alcohol. On July 4th of this year, the police received a complaint that Mr. Bishop was in Gertie's consuming alcohol, contrary to his condition. They did attend, at which point Mr. Bishop was quite upset and verbally confrontational with them.

[6] Then, again, on August 9th, after having been re-released on the same conditions, the police were on patrol, were flagged down by an individual who had been contacted by Mr. Bishop's current girlfriend with respect to some issues occurring between she and Mr. Bishop, and also with respect to the fact that he had been consuming alcohol in breach of his condition.

[7] He comes before the Court with a criminal record. Not as lengthy as some that I have seen, but it does have some significant offences on it. In terms of his time in Canada, there appears to have only been one offence upon which he has served jail time, but I understand from the pre-sentence report that he did do a considerable period of time in custody in the U.S. in relation to some drug charges.

[8] Of particular concern to me - because I am fairly satisfied from the information in the pre-sentence report that at one point in Mr. Bishop's life drugs were a significant issue; they do not appear to be an issue now - but of particular concern to me on the record are offences arising in 2000, which include a spousal assault, a common assault and a failure to comply with a recognizance, and of the matters included on the record, those are the ones that cause me particular concern as it relates to the main issue before me, which is not whether or not there ought to be a jail sentence but whether or not Mr. Bishop ought to be given the opportunity to serve that jail sentence in the

community.

[9] As I indicated, I do have a pre-sentence report that does set out information with respect to Mr. Bishop's background. It appears that he is now 42 years of age. He has a fairly productive employment history which includes some 14 years as a commercial fisherman. Following an injury as result of an explosion, he did retrain in the heating, ventilation, air conditioning and refrigeration area, and since then appears to have either worked for companies or, as he is doing now, run his own company. He is self-employed doing that kind of work in town.

[10] I am also advised that he has two children who have resided with him from time to time and also visit him, and for whom he provides financial support. He has made an indication that he has spoken to the mother and determined that, in the event he is unable to make child support payments, he has some concern about whether or not they will be able to maintain the home they live in, in Vancouver, and whether they will have to move. He also has expressed concerns in terms of his own home, which has a mortgage on it, and other bills, as to whether or not a jail term will result in his losing some real and personal property.

[11] As I indicated to him, that kind of negative impact on him was not my primary concern, in terms of whether or not a conditional sentence is appropriate, but rather what potential there is to manage the risk factors that he presents within the community such that I could conclude that his serving the sentence within the community would not endanger the community.

[12] In particular, there appears to be, and not surprisingly as is evident on the record

with the abstain breaches before me, but what appears to be a significant issue with respect to alcohol, which he himself admits has a negative impact on his judgment, resulting in the types of disturbing behaviour that are before me today with respect to the s. 264.

[13] In addition to that, there is clearly a concern, on all of the information before me, with respect to Mr. Bishop's conduct within relationships. There is the prior spousal assault conviction as well as the criminal harassment, which arises in a spousal context, following a breakdown in relationship. There is also some indication of concern as to whether there may be issues in his current relationship.

[14] There are a number of difficulties in this particular case in terms of determining the appropriate outcome. Crown is suggesting a straight custodial term of 90 days on the criminal harassment charge and 15 days consecutive on each of the breaches, to be followed by an 18-month probation order. They take the position that, in this particular case, a conditional would not be appropriate, given Mr. Bishop's history of the two breaches that are before me as well as one prior on his record, the prior concerns within relationships, as I have already discussed, and also the fact that he had been warned by the RCMP, and instead of choosing to stop the behaviour, he, in fact, escalated it. So there is, clearly, and I agree with the Crown, there are clearly some significant concerns in this particular case that need to be addressed, in terms of what is driving his behaviour.

[15] So on the one hand, the history of breaches, as well as the nature of the offences themselves, cause me concern with respect to the appropriateness of a conditional. On

the other hand, I have information from the bail supervisor in the pre-sentence report, and also in court today, that at least there were some risk assessments done, although not included in the report, that suggest he is at low risk to reoffend, and she is also of the view, having supervised him, that he is a good candidate for community supervision, which would, to some extent, be in favour of his being allowed to serve it conditionally within the community.

[16] Having considered all of the factors before me, I have come to the conclusion that in this particular case the pre-conditions for a conditional sentence would be met, based on the information before me. Not that there are not concerns, but I am of the view that with sufficiently strict conditions the risk factors can be addressed.

[17] I have taken into account that while Mr. Bishop has not done as much as some that I have seen before me, in terms of trying to address his issues, he has at least made some efforts. He has done some counselling with Dr. Titterington. He has been in touch with Social Services. He has had some assessment work done with Craig Dempsey from Offender Programs. I would like to have seen more. I would have liked to have seen attendance at AA. I would have liked to have seen some qualitative assessments of how he is doing in programming.

[18] But I will give him the benefit of the doubt for a couple of reasons. Firstly, he is in a community where it is somewhat more difficult to access programming than a larger centre, but also, Mr. Bishop has been representing himself. He has had the benefit of some *ad hoc* legal advice along the way from counsel at Legal Aid that have been kind enough to assist, but, at the same time, he has not had counsel that may have provided

him with some direction as to steps he, perhaps, ought to have been taking in terms of what the potential outcome might be of a sentencing hearing. But he has at least made some preliminary efforts that suggest some motivation to get some programming.

[19] I also accept the fact that, based on his comments today and the pre-sentence report, he is remorseful. He is ashamed about what he has done. It does concern me that he cannot really explain why, which again reinforces in my mind the need for some significant programming and for him to start to address the underlying issues, both alcohol abuse and relationship issues.

[20] There is case law that indicates that denunciation and deterrence can be met through a conditional sentence, but I am of the view that if this sentence is going to be served conditionally within the community, it is going to be significantly longer than what the Crown is suggesting. Which means, Mr. Bishop, you are going to have to be absolutely compliant with conditions or you are going to be serving probably a longer period of time in jail than you would be if I gave you a straight jail sentence today, but I am of the view that that is necessary, based on the nature of the offences before me, in particular the criminal harassment, which, as I said, is very, very disturbing, and I believe it is important that Ms. Johnston understand that the behaviour was serious and inappropriate and needs to be dealt with seriously.

[21] For that reason, there is going to be a sentence of six months on the harassment charge, which you will be allowed to serve conditionally within the community. There will be a sentence of 30 days on each of the breaches, consecutive to each other and consecutive to the criminal harassment sentence; again, which you will be allowed to

serve conditionally within the community. So you are going to be subject to restrictive conditions for a period of eight months.

[22] I am going to give you one last chance. If you want to jump up now and say, "I'd rather do the 120 days in custody," I am happy to entertain it, but if you want to do it within the community, it is going to be longer and it is going to be harder.

[23] THE ACCUSED: I would rather do the sentence in the community.

[24] THE COURT: Okay.

[25] THE ACCUSED: I mean I'm committed to --

[26] THE COURT: Okay. You need to be --

[27] THE ACCUSED: Yeah.

[28] THE COURT: -- because there is no tolerance with conditional sentences. You breach, they are bringing you back in custody, and the Court can, at that point, collapse the remainder of the sentence, which means you serve the rest of it in custody, and there is not going to be time to get affairs in order or do any of those things.

[29] THE ACCUSED: Okay. I understand that.

[30] THE COURT: So you are going to have to be absolutely compliant with every condition. The supervisor will not have any leeway to cut you some slack.

[31] THE ACCUSED: Okay, Your Honour.

[32] THE COURT: So you cannot say, "Well, yeah, you know, I was outside past my curfew, but it was only five minutes." It does not matter. It is a jail sentence, and you are expected to follow each and every condition to the letter.

[33] THE ACCUSED: Yeah. Actually Emily --

[34] THE COURT: Or you are going --

[35] THE ACCUSED: -- I had a meeting with Emily, and she kind of indicated those facts to me.

[36] THE COURT: Okay. The terms are going to be as follows. There is also going to be, I should say, an 18-month probation order to follow, but I am going to deal with the terms of the conditional sentence first, and then we will come back to the probationary terms. So these are the terms and conditions you are going to have to follow.

1. That you keep the peace and be of good behaviour;
2. That you appear before the Court when required to do so by the Court;
3. That you report to a Supervisor immediately, and thereafter when required by the Supervisor and in the manner directed by the Supervisor;
4. That you remain within the Yukon Territory unless you have written permission from your Supervisor;
5. That you notify the Supervisor in advance of any change of name, address, and promptly notify the Supervisor of any change of employment or occupation;
6. That you reside as approved by your Supervisor and not change that

residence without the prior written permission of your Supervisor;

7. That you abstain absolutely from the possession or consumption of alcohol and controlled drugs or substances except in accordance with a prescription given to you by a qualified medical practitioner;

I know that drugs are not a current issue but the last thing I want to see is you switching to something else to manage the alcohol addiction, okay?

[37] THE ACCUSED: Yeah.

[38] THE COURT: Because they have been an issue for you in the past, so I do not want you going down that road again.

8. That you not attend any bar, tavern off-sales or other commercial premises, including Diamond Tooth Gertie's, whose primary purpose is the sale of alcohol;
9. That you take such alcohol assessment, counselling and programming as directed by your Supervisor;
10. That you take such spousal abuse or family violence programming as directed by your Supervisor;
11. That you take such other assessment, counselling and programming as directed by your Supervisor;
12. That you have no contact, directly or indirectly, or communication in any way with Mandy Johnston;

In any way.

[39] THE ACCUSED: Yeah.

[40] THE COURT: Is it only direct contact we were concerned about with Ms. Webber, if they are under the influence?

[41] MS. GRANDY: Yes.

[42] THE COURT: Okay.

13. That you have no direct contact with Vanessa Webber if either you or Vanessa Webber are under the influence of alcohol;

That is any amount of alcohol.

[43] THE ACCUSED: Okay.

[44] THE COURT: Even a mouthful. You are not to attend at or within -- can we do 50 metres of Ms. Johnston's home?

[45] MS. GRANDY: That's fine.

[46] THE COURT: That does not overlap with anything that you do, if I say you have got to be 50 metres away from her house?

[47] THE ACCUSED: Not really.

[48] THE COURT: Okay.

[49] THE ACCUSED: Just out of curiosity, though, because I obviously want to be clear on my conditions here; for instance every now and then I do, say, heating calls; that is part of my trade, plumbing and heating. If Yukon Housing phoned me to say the house across the street from Mandy's, would that be acceptable to go to that

address or is that going to be --

[50] THE COURT: Not if it is within 50 metres, it is not.

[51] THE ACCUSED: Okay.

[52] THE COURT: Okay?

[53] THE ACCUSED: Fair enough.

[54] THE COURT: So:

14. That you not attend at or within 50 metres of the residence of Mandy Johnston --

Do we know the address there? I just want to make sure it is spelled out in the order.

[55] MS. GRANDY: Sorry, yeah. Let me just get -- it's not listed in the prior --

[56] THE COURT: Are you content if I leave it that he not attend at her residence? He obviously knows where it is.

[57] MS. GRANDY: The address I have is 502 Firth Street.

[58] THE COURT: Okay. So that should also read:

14. -- located at 502 Firth Street.

15. That you have no contact, directly or indirectly, or communication in any way with --

What are the names of the children?

[59] MS. GRANDY: Sorry, Your Honour. Samantha Johnston or David Johnston.

[60] THE COURT: Okay.

-- with Samantha Johnston or David Johnston.

Do you want included her mother and some of the others that were sent stuff; or is that not a concern?

[61] MS. GRANDY: The main concern, I guess, at the time was because they were witnesses. I don't have any information that they're sort of at risk or --

[62] THE COURT: Okay. So we will leave it with Ms. Johnston and her children, and then Ms. Webber if either are under the influence of alcohol.

16. That you participate in such educational or life skills programming as directed by your Supervisor;

I am thinking more in terms of life skills there, if there are any programs that might be of assistance, again, in getting at the underlying issues.

17. That you provide your Supervisor with consents to release information with regard to your participation in any programming, counselling, employment or educational activities you have been directed to do pursuant to this conditional sentence order;

[63] In addition, we have to deal with the house arrest situation, which is a little more problematic because you are self-employed. I am of the view it needs to be a house arrest condition, though, except for the purposes of employment, but I am going to give

you specific hours within which you can work, okay?

[64] THE ACCUSED: Okay.

[65] THE COURT: Which means if somebody calls you in the evening and says, "Can you come check," you are going to have to say no.

[66] THE ACCUSED: Okay.

[67] THE COURT: So you are to abide by a curfew by remaining within your place of residence at all times except for the purposes of employment between the hours of 8:00 a.m. and 5:00 p.m.

[68] THE ACCUSED: Okay. I just want to -- so between 8:00 a.m. and 5:00 p.m. I have to remain in my house?

[69] THE COURT: You have to be in your house at all times.

[70] THE ACCUSED: Oh, I see.

[71] THE COURT: Except -- I am getting to the exceptions. If you are not working, you are in your house.

[72] THE ACCUSED: Okay.

[73] THE COURT: Okay. So I will make an exception for employment between specific hours, and I will allow the Supervisor to give you permission if there are other things that are appropriate, like counselling, programming and that kind of stuff, or going to the grocery store, but you have to get permission first, and the only

exception that I am going to give you outright is to work.

[74] THE ACCUSED: So to go get --

[75] THE COURT: And other than that, you are in your house --

[76] THE ACCUSED: Okay.

[77] THE COURT: -- because your house is jail for the next eight months. Yes?

[78] CAROL MCBRIDE: Just that that's sort of, for the trades, that's a standard workday and doesn't really allow him any time to get to where he's going or come home. I'm just wondering about a half an hour either --

[79] THE COURT: So 7:30 to 5:30?

[80] CAROL MCBRIDE: But, I mean, he can speak to it as well.

[81] THE ACCUSED: Yeah, I -- actually, generally my day is from 7:00 until 6:00, and for the most part I complete my workday in those hours. So I mean, for me, that would be --

[82] THE COURT: Okay. Is that an issue, 7:00 to 6:00, if he is working?

[83] MS. GRANDY: I mean, from the Crown's perspective, obviously as simple as that can be, and clearly, that this is house arrest. So if he's out, then he's working, and if there are permissions granted, then they are for a limited number of things, the necessities of life, counselling. So as, sort of, specific as we can be, that

would be --

[84] THE COURT: Yes. I just do not want to set out specific times as for the necessities, counselling, that kind of stuff.

[85] MS. GRANDY: No, I appreciate that. I think it's appropriate, especially given the self-employment, the way Your Honour suggests to say, you know, these are the times --

[86] THE COURT: He has got to manage his --

[87] MS. GRANDY: -- but out at that time is for work, not for --

[88] THE COURT: Only work, yes. No, I agree. You understand that?

[89] THE ACCUSED: Yeah. I just want to be clear, so I'm absolute. So if I'm out between those working hours, does that mean that, like, every time I go to the grocery store I have to have permission to go there; is that correct?

[90] THE COURT: Mm-hmm.

[91] THE ACCUSED: Or are you -- okay. So it's for work purposes, strictly?

[92] THE COURT: Only for work. Which means you do not get to go for lunch.

[93] THE ACCUSED: And the other --

[94] THE COURT: You can go home for lunch.

[95] THE ACCUSED: Yeah.

[96] THE COURT: Or you can get specific permissions. But if you are out of the home you are working, unless you have specific written permission from your Supervisor for something that relates to necessities of life: programming, counselling, that kind of thing, okay?

[97] THE ACCUSED: Okay. And the other question I was going to ask; like, part of my trade is refrigeration. I generally service all the refrigeration units around here, and would I be allowed to attend, like, bars and/or taverns during those hours for work purposes only, only to actually service the refrigeration units for the beer coolers in the, say, like even the Downtown Hotel. I do lots of work for those guys, servicing their refrigeration equipment in their kitchen and those kinds of things. So I'm just wondering if I can --

[98] THE COURT: Do you have an issue if I made that condition except for the purposes of employment where he has prior written permission from the Supervisor?

[99] MS. GRANDY: That's the not attend bars?

[100] THE COURT: The not attend.

[101] MS. GRANDY: That's fine.

[102] THE COURT: Okay. So the not attend any bar, tavern, off-sales, et cetera, will also read:

8. ... except for the purposes of employment, where you have prior written permission from your Supervisor;

[103] THE ACCUSED: Okay.

[104] THE COURT: So which means you are going to have to satisfy her that it is for employment purposes you need to go in.

[105] THE ACCUSED: Okay.

[106] THE COURT: Then she will give you the written permission.

[107] CAROL MCBRIDE: And it includes Gertie's?

[108] THE COURT: That includes Gertie's, yes.

[109] So back to the house arrest, it is going to be required:

18. That you remain within your place of residence at all times, except for the purposes of employment between the hours of 7:00 a.m. and 6:00 p.m. or except with the prior written permission of your Supervisor to attend to necessities of life, counselling or programming. You must present yourself at the door, answer the telephone during reasonable hours for curfew checks. Failure to do so will be a presumptive breach of this condition.

Anything further on the --

[110] MS. GRANDY: I just raise the question of, sort of, for, you know, supervision and enforcement purposes, is there -- appreciating that Mr. Bishop works in various locations, if he's out for employment purposes, is there some means that he

could have on his person proof that he's; be it a contract with that -- or a request for services with the location that he is to -- to save himself the trouble as much as anybody else, so that he can say, "Yes, I -- you know, I am here, this is work, and here's the" -- sort of proof that he's carrying on his person. Is that --

[111] THE COURT: The only difficulty is that his getting that is dependent on others. Are we in a --

[112] MS. GRANDY: I mean I'm just assuming that as an operating business he's going to have a business record of please do this work for me.

[113] THE COURT: Would you have something in writing for any of the jobs that you are doing?

[114] THE ACCUSED: At certain times; like, obviously, a signed contract to do a specific job, there would obviously be something in writing. But, I mean, a lot of the times I'll get service calls, you know, like, somebody's furnace is out or whatever. And I'm going to go over there and it's going to be maybe one to two hours, and who knows who it could be. I mean I don't see how I'm going to ask them to --

[115] THE COURT: I am concerned about whether or not that is workable. But I am going to make the suggestion that, wherever possible, you get some written confirmation that you have been employed to do something and carry that with you, so that if you get approached by the police you can show them. Because if not, you are going to be brought into custody and have to satisfy the Court that you were legitimately out doing work.

[116] THE ACCUSED: Yeah. I mean most of these officers in town know me. I mean, for the most part, it's pretty obvious when I'm out there.

[117] THE COURT: Okay. But I want you to understand how serious it is --

[118] THE ACCUSED: I do.

[119] THE COURT: -- and that you are going to need to account for your time if you are working, and you are going to need to look for ways that you can do that.

[120] THE ACCUSED: Yeah.

[121] THE COURT: Okay? The probation order is going to have the following terms and conditions:

1. That you keep the peace and be of good behaviour;
2. That you appear before the Court when required to do so by the Court;
3. That you notify the Probation Officer in advance of any change of name or address, and promptly notify the Probation Officer of any change of employment or occupation;
4. That you report to a Probation Officer immediately upon completion of your conditional sentence, and thereafter when and in the manner directed by the Probation Officer;
5. That you abstain absolutely from the possession or consumption of alcohol;
6. That you take such alcohol assessment, counselling or programming as

- directed by the Probation Officer;
7. That you take such family violence or spousal abuse programming as directed by your Probation Officer;
 8. That you take such other assessment, counselling and programming as directed by your Probation Officer;
 9. That you provide your Probation Officer with consents to release information with regard to your participation in any programming, counselling, employment or educational activities that you have been directed to do pursuant to this order;
 10. That you have no contact, directly or indirectly, or communication in any way with Mandy Johnston, Samantha Johnston and David Johnston;
 11. That you not attend within 50 metres of the home of Mandy Johnston, located at 502 Firth;
 12. That you have no direct contact with Vanessa Webber if either you or Vanessa Webber are under the influence of alcohol.

So the probation order is primarily the counselling conditions, but also the no-contacts.

Yes?

[122] CAROL MCBRIDE: I just wondered, in the event of reconciliation or whatever may be down the line, if there could be a clause in the no-contact that would say except with the written permission of Victim Services and Probation --

[123] THE COURT: Are we talking about with Vanessa Webber?

[124] CAROL MCBRIDE: No, I'm taking about with Mandy Johnston.

[125] THE COURT: If that is even coming up, it has got to be brought back to court.

[126] CAROL MCBRIDE: Okay.

[127] THE COURT: With respect to what I have seen, there is no indication --

[128] CAROL MCBRIDE: I wasn't asking for it on the conditional sentence. I was just thinking about in the probation --

[129] THE COURT: Yes.

[130] CAROL MCBRIDE: -- if, further along the line, there is --

[131] THE COURT: Well, there is not going to be a reconciliation unless there is contact, and there is no contact, so.

[132] CAROL MCBRIDE: I don't mean reconciliation in terms of the relationship; I mean just as friendship.

[133] THE COURT: Oh, okay.

[134] CAROL MCBRIDE: Just in terms of him being able apologize. I'm not --

[135] THE COURT: No. Do you know, I think we are best, in this particular situation, based on what I have seen, in terms of the nature of the offences; I appreciate what you are saying, but I think this is an appropriate case where --

[136] CAROL MCBRIDE: Sure.

[137] THE COURT: -- it remains a full no-contact. I think she, quite frankly, is entitled to that after what has happened. Any issues with respect to conditions?

[138] MS. GRANDY: No.

[139] THE COURT: There is going to be a victim fine surcharge. What is the election on the s. 264? Okay, it is indictable. So it is \$100 on the s. 264, \$50 on each of the s. 145s, for a total of \$200. How long do you need to pay that?

[140] THE ACCUSED: Six months? I don't really -- I don't know.

[141] THE COURT: I will give you three months time to pay.

[142] THE ACCUSED: Okay, sure.

[143] THE COURT: You are working. I think it is -- and you are going to be continuing working, as a result of the conditional, so I do not see any issue with you paying that. Yes?

[144] MS. GRANDY: There is one remaining issue. The nature of the offence is one that specifically is listed under s. 109 of the *Criminal Code*.

[145] THE COURT: As a mandatory?

[146] MS. GRANDY: Mandatory.

[147] THE COURT: Okay. So there is a mandatory firearms prohibition.

[148] MS. GRANDY: Yes.

[149] THE ACCUSED: I don't really -- yeah, that's not any issue.

[150] THE COURT: There are certain provisions to allow for exceptions for subsistence hunting and such, but you do not hunt so there is no reason, therefore, for me not to make the mandatory order. So you will be prohibited from having in your possession any firearm, ammunition or explosive substances for a period of ten years; which is the term set out in s. 109.

[151] Anything further?

[152] MS. GRANDY: No, just if the remaining counts could be marked as withdrawn, please.

[153] THE COURT: Good. Thank you. Okay, Mr. Bishop, you have got your chance.

[154] THE ACCUSED: Okay. Thank you, Your Honour.

[155] THE COURT: Do not blow it. Meet with Ms. McBride before you go.

[156] THE ACCUSED: Okay.

[157] THE COURT: You make sure that you sign both of these orders, which they will produce, before you leave, as well.

[158] THE ACCUSED: The ladies downstairs will?

[159] THE COURT: Yes. From here you go home.

[160] THE ACCUSED: Yeah.

[161] THE COURT: Okay. Good. Thank you.

RUDDY C.J.T.C.