

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Cozens

REX

v.

JOSHUA LOUIS MATHIAS

Appearances:
Neil Thomson
Lynn MacDiarmid

Counsel for the Crown
Counsel for the Defence

**This decision was delivered from the Bench in the form of Oral Reasons.
The Reasons have since been edited without changing the substance.**

REASONS FOR SENTENCE

[1] COZENS T.C.J. (Oral): Joshua Mathias has entered a guilty plea to having committed an offence contrary to s. 270(2) of the *Criminal Code*.

[2] On May 2, 2024, while incarcerated at the Whitehorse Correctional Centre, corrections officers were transferring inmates and, as a result, there needed to be some lockdowns. Mr. Mathias was told he would need to be locked down in his cell temporarily. Instead, he walked out of the cell and, after he did so, he began to punch Corrections Officer Ken Milne repeatedly on the right side of his head. Even after

Officer Milne tried to block the punches, they continued. Officer Trimble was there at the time, and they were able to resolve the matter.

[3] Officer Milne certainly suffered some superficial abrasions and redness but, fortunately, had no more significant injuries. He filed a Victim Impact Statement. Certainly, being a corrections officer is a tough job. He tried to build up rapport with the inmates. You are always aware of the danger, but you do not expect to be assaulted like this for no reason. This has certainly had a significant impact on Officer Milne and, as he noted, on Officer Trimble as well, who actually took time off work, and has just recently come back to work since then.

[4] Again, while the risks of being assaulted by inmates are always there, it is a risk that officers take but it is not something that is part of the job. They should not have to be assaulted while they are at work.

[5] There is a joint submission before me for 45 days to run concurrent to time he is already serving. Mr. Mathias has a long criminal record with significant incidents of violence, robbery, and other convictions. He is currently in custody with over two years left to serve on a conviction for a s. 268 aggravated assault; having a concealed weapon, being a knife; and a fail to comply with a probation order that he was on from British Columbia not to carry any weapons.

[6] Mr. Mathias has since been transferred and is currently in the regional psychiatric centre. He has some struggles with mental health issues but not to the extent that it provides any defence in these matters.

[7] The joint submission before me recognizes the difficulties of prosecuting a case like this with Mr. Mathias located where he is. The sentence proposed is certainly within the range of appropriate sentences.

[8] There will be a sentence of 45 days custody to run concurrent to the time he is currently serving with respect to the s. 268 charge and other convictions.

[9] I am going to waive the surcharge in this case, being that he is in custody for a substantial amount of time.

[10] There are no ancillary orders that flow from this.

COZENS T.C.J.