

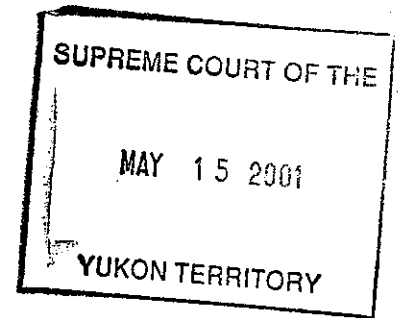
IN THE SUPREME COURT OF THE YUKON TERRITORY

BETWEEN:

HER MAJESTY THE QUEEN

AND:

DELORES ROBINA GRAHAM



JUDY HARTLING

For the Crown

KIMBERLY ELDRED

For the Defence

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**MEMORANDUM OF SENTENCE  
DELIVERED FROM THE BENCH**

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[1] MARSHALL J. (Oral): I find that a firearms prohibition is not applicable in this case. I have considered the submissions of counsel and I am going to sentence you to a conditional sentence of 75 days imprisonment.

[2] I am satisfied the safety of the community will not be endangered. I direct that you serve your sentence in the community upon the condition you comply with the following terms, which I now impose.

[3] You will keep the peace and be of good behaviour. You will appear before the Court when required to do so by the Court. You will report to a supervisor by

tomorrow at close of business, and thereafter continue to report as directed by the supervisor. You will not leave the jurisdiction without the written permission of the Court or the supervisor, and notify the Court or supervisor, in advance, of any change of name or address, and promptly notify the Court or supervisor of any change of employment or occupation. Those conditions are mandatory and cannot be changed.

[4] I impose the following additional conditions: You will abstain from the use of alcohol or other intoxicating substances and drugs which are not medically prescribed. You will perform 60 hours of community service, to be completed within - how about three months? - within three months.

[5] MS. HARTLING: My Lord, three months would make it 90 days. It would take it beyond the 75-day sentence.

[6] THE COURT: Well, I can place her on probation.

[7] MS. HARTLING: Oh, thank you.

[8] THE COURT: I am also directing you that you abide by a curfew by remaining within your place of residence between the hours of 7:00 p.m. and 7:00 a.m. each day, except where you are permitted to extend the time, by permission in writing from your conditional sentence supervisor, for the purpose of employment.

[9] The clerk will provide you with a copy of the conditional sentence order and an explanation, if requested. The clerk will explain to you the substance and procedure of the sections of the *Criminal Code* and assure you understand the conditions that have been imposed on you, what may occur if you violate any of those conditions, and the procedure to be followed if you wish make an application to change any of the additional conditions of the order. The clerk will certify that the order and explanations have been given and that you have indicated your understanding of them. In the event the clerk cannot so certify it, you will be brought back before the Court for further directions.

[10] I also direct, following the term of imprisonment under your conditional sentence, that for a period of three months further you will comply with the terms of a probation order. They will be the same terms as I set out, that is, the mandatory terms: You keep the peace and be of good behaviour, you appear before the Court when required to do so by the Court, and notify the Court or the probation officer, in advance, of any change of name or address, and notify the Court or probation officer of any change of employment. In addition, you will, within a total of 90 days, complete the community service.

[11] The clerk will provide you with a copy and the explanation on the same conditions as provided in the conditional sentence order.

[12] MS. HARTLING: Victim fine surcharge?

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[13] THE COURT: I doubt if your client has any money to pay a victim fine surcharge, does she?

[14] MS. ELDRED: Not at this point.


[15] MS. HARTLING: Crown makes no submissions on that, sir.

[16] THE COURT: There will not be a victim fine surcharge in the circumstances.

[17] MS. HARTLING: Thank you.

[18] MS. ELDRED: Your Lordship, can I ask for a further consideration on the term of the curfew, in that you said it could be extended for employment. My client informs me that there may be community work service opportunities for her that would be in the evening. I'm wondering if that could say "with written permission, for purposes of employment or community work service."

THE COURT: That is fine. All right. We will adjourn.  
Thank you, counsel.

  
MARSHALL J.