

Citation: *R. v. Ballantine*, 2010 YKTC 121

Date: 20101014
Docket: 09-00278
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Honour Judge Faulkner

REGINA

v.

JAMES MCNAB BALLANTINE

Appearances:

Terri Nguyen
James Ballantine

Counsel for the Crown
Appearing on his own behalf

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral) Firstly, Mr. Ballantine, the Crown has tendered a criminal record for you, but I do not place any weight on it as it is quite some time ago. It is not related to the present case, so I am not making that a factor in my sentence.

[2] The minimum fine that can be imposed by law is \$1,000 and a one-year driving prohibition. In this case, there is reason to impose a fine somewhat above that. There was some evidence of bad driving, but I also take into account the fact that the driving prohibition will be a substantial penalty in and of itself.

[3] You will forfeit and pay a fine in the amount of \$1,200. I am also required to

impose a victim surcharge of a further 15 percent, which is \$180.

[4] You are prohibited from operating a motor vehicle on any street, highway or other public place in Canada for a period of one year.

[5] Now, do you have a driver's licence, sir?

[6] THE ACCUSED: Yes, sir, I do.

[7] THE COURT: That must be surrendered to the Clerk.

[8] THE ACCUSED: Do you want it now?

[9] THE COURT: Now, do you require time to pay the fine and surcharge?

[10] THE ACCUSED: Yes, Your Honour.

[11] THE COURT: How much time do you need?

[12] THE ACCUSED: How much is the fine again?

[13] THE COURT: \$1,200 and the surcharge is a further \$180.

[14] THE ACCUSED: Can I have six months to pay that?

[15] THE COURT: Crown, any submissions?

[16] MS. NGUYEN: No objection in the circumstances, sir.

[17] THE COURT: Six months time to pay.

[18] The other thing I should mention to you, sir, is that there is the opportunity for you to apply to Motor Vehicles to participate in the Interlock program. Since this is your first offence, I believe that opportunity would be available to you after three months. If you want to look into that further, you need to inquire with Motor Vehicles and comply with the requirements that they indicate.

FAULKNER T.C.J.