

Citation: *R. v. Beets*, 2009 YKTC 107

Date: 20091002  
Docket: 08-00559A  
Registry: Whitehorse

**IN THE TERRITORIAL COURT OF YUKON**

Before: His Honour Judge Faulkner

REGINA

v.

MICHAEL BEETS

Appearances:  
Kevin Komosky  
André Roothman

Counsel for Crown  
Counsel for Defence

**REASONS FOR SENTENCING**

[1] FAULKNER T.C.J. (Oral): In this case, Michael Dennis Beets has entered pleas of guilty to two charges of assault causing bodily harm.

[2] The matters arose just short of a year ago when Mr. Beets and some of his friends arrived, uninvited, at a birthday party being held at a rural residence outside of Whitehorse. There were a large number of young people in attendance. During the course of the party Mr. Beets attacked another youth, named Brandon Young, with a bottle, striking him in the head with it. That resulted in the entry into the affray of Matthew Young, who, for his pains, ended up getting stabbed in the leg with a knife wielded by Mr. Beets. That, in turn, led to the entry into the affray of Caitlin Young - these are all siblings, I gather - who, in turn, for her troubles, ended up with some knife

wounds in the back, again, from a knife wielded by the offender, Mr. Beets.

[3] Mr. Beets has entered a guilty plea to the charges and has no prior criminal record. The Crown elected to proceed by way of summary conviction, with the result that the maximum sentence which could be imposed by the Court is one of 18 months imprisonment on each count.

[4] I have been presented with a joint submission that the matter should be dealt with by way of a conditional sentence of from 12 to 18 months in duration. While I am prepared to accede to the joint submission of counsel, I must say that there is some concern raised in the Court's mind, particularly with respect to comments Mr. Beets made in the pre-sentence report.

[5] It shows that he has little insight into this incident of which he was the author. It shows that he has little empathy or concern for his victims, who suffered serious injuries. I do not know how to put this any more simply, Mr. Beets, but you started it. If you got a response from the other people, you should not have been surprised, and it was you who seriously escalated matters by producing and using a knife. So blaming it on other people is not on, to make the matter short.

[6] The other matter of concern in the pre-sentence report, of course, is that Mr. Beets expresses no willingness whatever to participate in any counselling or programming, which indicates to me that he has little insight into the fact that he may have some problems that need to be dealt with. That, as I say, is also a concern. But he is, as I say, a man with no prior record.

[7] With respect to this matter, and on each of the counts, Mr. Beets, you are sentenced to a period of imprisonment of 18 months. I will, however, allow that sentence to be served conditionally on the following terms.

1. You will keep the peace and be of good behaviour.
2. You will report to the Court as and when required.
3. You will report within two working days to your Conditional Sentence Supervisor and thereafter as, when and in the manner directed.
4. You will remain within the jurisdiction of the Court, which is the Yukon Territory, except with the prior written permission of the Conditional Sentence Supervisor.
5. You will advise the Conditional Sentence Supervisor forthwith of any change of name or address, and promptly notify him of any change of occupation or employment.
6. During the first nine months of the conditional sentence order, and except in the case of an emergency, you will be in your place of residence at all times; provided, however, that you may be outside your residence for the purposes of employment, obtaining the necessaries of life, attending to medical or similar appointments or otherwise when your absence from your residence is necessary in order to comply with the terms of the conditional sentence order, provided, further, that you can have the permission of your Conditional Sentence Supervisor to absent yourself from the home on other occasions.
7. For the remainder of the conditional sentence order you will be in your

place of residence and not be abroad between the hours of 10:00 p.m. and 7:00 a.m. except with the prior permission of the Conditional Sentence Supervisor. Throughout the entire term of the conditional sentence order you will answer the telephone or the door in response to curfew checks, and your failure so to do will be a presumptive breach of the order.

8. You will abstain from the possession or consumption of alcohol or controlled drugs or substances except in accordance with a prescription from a qualified medical practitioner. You will provide samples of breath or bodily substances upon demand by your Conditional Sentence Supervisor or a peace officer if either believes that you are in breach of this term of the order.
9. You will take such alcohol or substance abuse assessment, treatment or counselling as the Conditional Sentence Supervisor directs.
10. You will take such cognitive behavioural assessment, treatment and counselling as the Conditional Sentence Supervisor directs.
11. You will take such other assessment, counselling and programming as the Conditional Sentence Supervisor directs.
12. You will have no contact, directly or indirectly, by any means whatsoever, with Brandon Young, Matthew Young or Caitlin Young.
13. You will diligently seek and maintain employment or, alternatively, pursue furtherance of your education.
14. You will pay to the Clerk of the Court the sum of \$500 in restitution, in trust

for Caitlin Young, such payment to be made within 60 days after the order comes into force.

15. You will not possess any firearms or ammunition during the term of the conditional sentence order except for the purposes of your employment at the mining camp and under the direct supervision of your father.

16. You will perform 80 hours of community work service, and that is to be completed to the satisfaction of your Conditional Sentence Supervisor within six months after the order comes into force.

[8] Are there any other terms that counsel think need be included?

[9] MR. ROOTHMAN: No, I think that covered all.

[10] MR. KOMOSKY: I'm just wondering, with the terms of house arrest, it's left very broad; you're to remain inside unless for the purposes of employment. I wonder if a condition could be added that, if found outside by a peace officer, that he's required to provide proof of why he's outside of his residence.

[11] THE COURT: If he does not provide it, he will be arrested. So I mean the onus is going to be on him to satisfy the arresting officer that he has a reason to be outside of his residence.

[12] Additionally, there will be an order whereby the offender will provide samples of bodily substances for the purpose of DNA analysis and banking.

[13] Finally, the Crown having proceeded summarily, there will be a victim surcharge of \$50 on each count. Do you require time to pay those surcharges?

[14] MR. ROTHMAN: He can pay today.

[15] THE COURT: Payable forthwith.

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FAULKNER T.C.J.