

Citation: *R. v. Blake*, 2006 YKTC 116

Date: 20061208
Docket: T.C. 06-00272A
Registry: Whitehorse

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

REGINA

v.

RAYMOND THOMAS BLAKE

Appearances:
Jennifer Grandy
Malcolm Campbell

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] FAULKNER C.J.T.C. (Oral): In this case, Raymond Thomas Blake was convicted after trial on a charge of break and enter and theft at the premises of Hillbilly Computers in the Porter Creek Mall here in Whitehorse. Entry was gained by smashing a glass entry door, and some portable computer equipment was taken.

[2] It is true that this was a break-in at a commercial premise and not a residence, as Mr. Campbell points out. Now, I accept that, but I think it is fair to note that the business in question is obviously a sole proprietorship, more or less a shoestring operation. I think I can conclude from that that the loss was a significant one, both in terms of the

items taken and the damage to the premises. As the proprietor indicated, he did not have insurance coverage.

[3] The most significant feature of this whole affair, essentially, is that it is a continuation of a way of life for Mr. Blake that has now gone on since he was a youth. He is now 31 years of age. His record is absolutely horrendous, continuous, and fully fills five pages. There are a number of related entries and there are plenty of recent entries.

[4] It seems to me, in the circumstances, the sentencing options of the Court essentially resolve down into one, and that is the separation of Mr. Blake from society for a period of time commensurate with the crime with which he stands convicted. The Crown seeks a sentence of imprisonment of one year, which strikes me as fit given the circumstances of this offence and, particularly, the antecedents of this offender. The only real issue before me is the question of how much Mr. Blake should be credited for the time he spent in remand.

[5] It would appear that at various times he has served a total of something in the order of 86 to 88 days in pre-trial custody. He is certainly entitled to credit for that time. Mr. Campbell, on Mr. Blake's behalf, suggests that the credit should be at more than the normal one and a half times, grossed up, because for much of the period of time that Mr. Blake was in custody, he was in segregation. The documents produced with respect to Mr. Blake's time in custody make it abundantly clear that it was, essentially, Mr. Blake's own misconduct that led to him being in segregation. He was repeatedly involved in institutional offences and the time he spent in segregation, at the risk of

repeating myself, was basically his own fault, at least in large part. That being the case, I do not think he should be credited at more than the normal rate.

[6] As I said, he has something in the order of 86 to 88 days of pre-sentence custody. Grossed up by a factor of 1.5, that would give him credit for roughly 130 days, or four and a half months. The result then is that there be a sentence of one year but allowing four and a half months credit, leaves a remanet of seven and a half months to be served.

[7] The Crown proceeded by indictment. The surcharge would normally be \$100, but in the circumstances, I will waive it.

FAULKNER C.J.T.C.