Citation: *R.* v. *Charlie*, 2018 YKTC 30

Date: 20180816
Docket: 17-00191
17-00488A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Cozens

REGINA

v.

FRANKLIN JUNIOR CHARLIE

Appearances:
Noel Sinclair — Counsel for the Crown
Lynn MacDiarmid — Counsel for the Defence

RULING ON APPLICATION

[1] I provided my oral reasons in court on July 24, 2018, with written reasons to follow. These are my written reasons.

[2] Franklin Junior Charlie was convicted after trial of the offence of aggravated assault contrary to s. 268 of the *Criminal Code*. In my Reasons for Judgment, ***R.*** v. ***Charlie***, 2018 YKTC 26, para. 72, I stated:

> … Mr. Olsen was clearly the victim of a serious assault. ….I find that Mr. Olsen either specifically went to Mr. Amos Dick's residence or that he was passing by on his way elsewhere and that he engaged in a verbal confrontation with Mr. Ollie and Mr. Charlie outside of Mr. Dick's residence. This verbal confrontation escalated into a physical confrontation in which I am satisfied that Mr. Olsen was the aggressor. I

find that he knocked Mr. Charlie to the ground and then turned to Mr. Ollie to begin fighting with him. Mr. Ollie, with legal justification, struck Mr. Olsen, as he testified to, and threw him to the ground. At this point, Mr. Charlie kicked Mr. Olsen twice, striking him in the head, and causing the injuries suffered by Mr. Olsen, in particular, those to his left eye area.

[3] In paras. 5 and 6, I noted Mr. Olsen to have suffered injuries as follows:

> 5 …Mr. Olsen was injured as follows:
>
> - a 1 cm laceration over his left eye;
>
> - a fracture of the orbital floor and inferior orbital rim in the left eye area, known as a "left orbital blowout fracture", with a long-term prognosis placing him at an increased risk for high blood pressure, glaucoma, and possibly permanent vision damage;
>
> - an abrasion[1] to the right shoulder; and
>
> - facial bruising.
>
> 6 I note that the treatment and community health notes that form part of the medical information that was filed noted a bruise and laceration on the lower right leg and pain in the left rib area…

[4] Crown counsel has filed a Notice of Application for a "Dangerous Offender/Long-Term Offender Remand & Assessment", seeking:

> 1. An order remanding the Respondent for a period not exceeding 60 days to the custody of a person designated by the court who can perform an assessment or have an assessment performed by experts for use as evidence in a Dangerous Offender or Long-Term Offender application.

[1] I note that the Reasons for Judgment state "break" rather than "abrasion". This is an error that will be corrected by a corrigendum to the Reasons for Judgment.

[5] An Affidavit filed in support of the Application outlines Mr. Charlie's: "…criminal record, prior judicial findings of violent, unrestrained behaviour, and past psychological and psychiatrist assessments…".

Criminal record

[6] Mr. Charlie's criminal record is attached to these reasons as Appendix "A".

[7] Crown counsel submits that I should consider Mr. Charlie's history of criminal convictions as revealing a pattern of repetitive behaviour and/or persistent aggressive behaviour showing indifference regarding the consequences to others of his behaviour, as well as his unrestrained behaviour. As such, the criteria set out in ss. 752.1(1), 753(1)(a)(i)(ii) and 753.1 for ordering an assessment is satisfied.

[8] In support of the Crown's position that Mr. Charlie's present aggravated assault conviction is part of a pattern of related offences, Counsel referred to several earlier convictions that appear in his record, as are described below.

February 1, 2008

[9] The s. 348(1)(b) conviction was for breaking and entering. Mr. Charlie, while intoxicated, broke into a residence when an Elder was present and stole some change and tobacco. Crown counsel asserts that this constituted, or could constitute, a serious personal injury offence as there was violence used and there was a psychological impact upon the victim. (I note, however, that in Faulkner J.'s sentencing decision, ***R.*** v. ***Charlie***, 2008 YKTC 9, there is no mention of harm in relation to the victim);

[10] Mr. Charlie's two s. 249(1)(a) convictions were for dangerous driving. In the first, Mr. Charlie, while intoxicated, was speeding and recklessly driving a quad through a large gathering of approximately 500 individuals and was arrested after a police pursuit. In the second, Mr. Charlie was driving a pickup truck recklessly and at high speed through and near the Village of Ross River. The police pursuit was abandoned due to the extreme danger that it posed. Mr. Charlie was also convicted under s. 249.1(1) for the flight from the RCMP while being pursued when driving the pickup truck.

December 16, 2011

[11] In Lilles J.'s Reasons for Sentencing in relation to the s. 344 robbery offence, ***R.*** v. ***Charlie***, 2012 YKTC 5, Mr. Charlie, who was intoxicated, was found to have knocked at the door of the 50-year-old victim in order to try to obtain more alcohol. He was accompanied by two other people. When the door was opened, Mr. Charlie entered with a tree limb and, in the ensuing struggle, struck the victim twice with it while threatening to kill him if he did not give them alcohol and money. Mr. Charlie left the residence with $30.00, some alcohol and the victim's car. Lilles J., after reviewing the Victim Impact Statement, noted that the victim said he suffered some "nicks and bruises" and was not seriously injured, although the attack: "clearly had a significant emotional and psychological impact".

April 23, 2014

[12] In my Reasons for Sentencing for this s. 344 robbery offence, ***R.*** v. ***Charlie***, 2014 YKTC 17, I found Mr. Charlie, who was again intoxicated, attended, in the company of two others, at the residence of the 78-year-old victim in order to obtain more alcohol.

After knocking on the door and entering the residence, the victim was pushed to the ground by either Mr. Charlie or the accompanying male. The victim left the residence and Mr. Charlie and the others took the victim's wallet, with $1,700.00 in it, a mickey of liquor, medication and a jacket. There was no evidence of any physical injury to the victim.

August 21, 2015

[13] There is a s. 266 assault conviction, where Mr. Charlie was found to have kicked and pushed a former girlfriend. There is also an associated s. 270(1) offence for spitting at the police officer that came to arrest him, however, Crown is not relying on that offence for the argument as to the s. 268 offence being part of a pattern as per s. 753(1)(a).

[14] Crown counsel recognizes that the prior acts of violence committed by Mr. Charlie are not in the category of the worst forms of violence. However, he submits that, at a minimum, Mr. Charlie requires long-term supervision in order to obtain the assistance he requires for his rehabilitation, given his conduct to date.

Psychiatric information

[15] Counsel also relies on the March 7, 2014 Psychiatric Assessment prepared by forensic psychiatrist Dr. Shabehram Lohrasbe at that time in order to assess Mr. Charlie's mental state in respect of s. 16 of the *Code* in order to determine whether he may have, as a result of a mental disorder, not been criminally responsible for the commission of the s. 344 offence. While Mr. Charlie was considered by Dr. Lohrasbe

not to be suffering from any relevant mental disorder at the time of the robbery, I noted in paras. 56 and 57 of my decision the following:

> 56 Dr. Lohrasbe is in agreement with the following comments in the MediGene [FAS Diagnostic Clinic FAS Evaluation] materials:
>
> > Franklin's concrete, egocentric approach to life is consistent with the significant weaknesses and variability and executive functioning in higher order thinking skills: the ability to engage in goal-directed behaviour; to plan; to use past, present, and future learning and experiences to guide decisions, to develop and alter strategies or rules based on feedback and to manage time and space. Franklin deals with the information directly in front of him and struggles to see the big picture, the present and long-term impact of decisions and behaviours, the feasibility of ideas being present or discussed.
>
> 57 He also agrees with the following recommendations that were made:
>
> > To help compensate for Franklin's weaknesses and executive functioning, he will require ongoing external supports and external controls. Teaching him very specific, concrete systems that apply to a specific situation will allow for success in that situation. Providing him with a broad base of these systems will increase his overall success. Use of pictorial protocols that guide his progress to concrete tasks is recommended. Increased structure, direction, and predictability in his life will allow Franklin to operate on autopilot and reduce his struggles with the in-the-moment judgment and problem solving issues on a daily basis.

[16] Crown counsel submits that it will be seeking a custodial disposition of two years or more for the s. 268 offence.

[17] Counsel notes that Dr. Lohrasbe is available to travel to Whitehorse on August 6, 2018 to conduct the assessment on August 7 and 8.

[18] In seeking Mr. Charlie's detention for a period of time just immediately prior to August 6, Crown counsel submits that there is a need to ensure Mr. Charlie is going to be both present and sober if Dr. Lohrasbe is going to fly here solely for the purpose of the assessment.

[19] Counsel refers to RCMP concerns about Mr. Charlie's drinking in the community, noting an incident on May 31, 2018 where there was a report that Mr. Charlie was involved in a "fracas" with another individual. Upon responding, the RCMP observed Mr. Charlie, who was highly intoxicated, being chased down the street by the individual, who was carrying a stick.

[20] There was a further incident on June 29, 2018 where the RCMP were called to an "out-of-control" party. Mr. Charlie was passed out and unconscious on the couch through the consumption of alcohol.

[21] It is to be noted that Mr. Charlie was not on any condition to abstain from the possession and consumption of alcohol at the time of these incidents.

Analysis

[22] The relevant provisions of the *Criminal Code* are as follows:

> *Application for finding that an offender is a dangerous offender*
>
> 753. (1) On application made under this Part after an assessment report is filed under subsection 752.1(2), the court shall find the offender to be a dangerous offender if it is satisfied
>
> > (*a*) that the offence for which the offender has been convicted is a serious personal injury offence described in paragraph (*a*) of the definition of that expression in section 752 and the offender constitutes a threat to the life, safety or

> physical or mental well-being of other persons on the basis of evidence establishing
>
> > (i) a pattern of repetitive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a failure to restrain his or her behaviour and a likelihood of causing death or injury to other persons, or inflicting severe psychological damage on other persons, through failure in the future to restrain his or her behaviour,
> >
> > (ii) a pattern of persistent aggressive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a substantial degree of indifference on the part of the offender respecting the reasonably foreseeable consequences to other persons of his or her behaviour, or …

Application for finding that an offender is a long-term offender

753.1 (1) The court may, on application made under this Part following the filing of an assessment report under subsection 752.1(2), find an offender to be a long-term offender if it is satisfied that

> (*a*) it would be appropriate to impose a sentence of imprisonment of two years of more for the offence for which the offender has been convicted;
>
> (*b*) there is a substantial risk that the offender will reoffend; and
>
> (*c*) there is a reasonable possibility of eventual control of the risk in the community.

Application for remand for assessment

752.1 (1) On application by the prosecutor, if the court is of the opinion that there are reasonable grounds to believe that an offender who is convicted of a serious personal injury offence … might be found to be a dangerous offender under section 753 or a long-term offender under section 753.1, the court shall, by order in writing, before sentence is imposed, remand the offender, for a period not exceeding 60 days, to the custody of a person designated by the court who can perform an assessment or have an assessment performed by experts for use as evidence in an application under section 753 or 753.1.

[23] In ***R.*** v. ***Nehass***, 2016 YKSC 5, Brooker J. stated as follows in para. 8:

> 8 In my opinion, an application under s. 752.1(1) is intended to be a summary procedural step. Its purpose is to obtain expert evidence to assist the Crown in deciding whether or not to proceed with either a dangerous offender application or a long-term offender application. According to the authorities, the threshold is low. For example, "Is the prospect of the offender being found to be a dangerous or long-term offender within the realm of possibility or beyond it?" See ***R. v. Fulton***, 2006 SKCA 115 at para. 21.

[24] See also ***R.*** v. ***Ariyanayagam***, 2018 ONCJ 309, in which Silverstein J. adopted the following reasoning of the Court in ***R.*** v. ***Vanderwal***, 2010 ONSC 265, in which Roccamo J., after conducting a review of the caselaw in this area, concluded that despite the use of different language by various courts:

> …It is universally agreed that the threshold is a low one. It is less than the civil burden of proof and far less than the criminal burden of proof. The language in section 752 requires the court to consider the totality of the record of evidence and information in support of the application to decide whether there are reasonable grounds to believe the offender might, not will, be found to be a dangerous offender or a long-term offender. To require any more at this stage of proceedings is to run the risk that a sentencing justice must come close to making findings on an incomplete body of evidence and without the benefit of the assessment proposed under section 752.1. To that extent only, I would echo the sentiments of Justice Wilson in *R. v. Torres* [2007 O.J. No. 1402 (Sup. Ct.)] that to require more of a sentencing judge, at this stage, "requires [him or her] to guess using imprecise standards with imprecise information." (para. 27)

[25] In ***R.*** v. ***States***, 2015 ONSC 3265, Quigley J., also citing favourably that portion of ***Vanderwal*** referred to in ***Ariyanayagam***, stated in para. 51:

> It seems clear that on any fair reading of the current jurisprudence, the applicable standard is indeed low, plainly some distance below the balance of probabilities and a great distance removed from the criminal standard of proof that applies on the dangerous offender characterization itself. That criminal standard is not meant to be even remotely relevant to the question of whether the offender "might" be found to be a dangerous offender. This is so regardless of whether the

> preferred linguistic characterization is a "possibility," a "real possibility," or a "reasonable suspicion." …

The "Gatekeeper" issue

[26] As set out in s. 752.1, in order to direct that an assessment be prepared, I need to be satisfied that there are reasonable grounds to believe that Mr. Charlie ***might*** be found to be a long-term offender ("LTO") or a dangerous offender ("DO").

[27] As indicated in the caselaw provided, this is a summary proceeding and the threshold is low.

[28] In the ***Ariyanayagam*** formulation, which I accept, there must be a "real possibility" that Mr. Charlie will be found to be a DO or an LTO. Here, this assessment is done with reference to the threshold criteria set out in s. 753(1)(a) and 753.1.

[29] In this case, there is no question that the s. 268 offence is a serious personal injury offence.

[30] In order for me to order the assessment in the context of a DO application under s. 753, I must be satisfied that there is a real possibility that the Crown will establish either:

> (a)(i) a pattern of repetitive behaviour, including this offence, showing a failure to restrain his behaviour and a likelihood of causing death or injury or inflicting psychological damage on other persons

or

> ii) a pattern of persistent aggressive behaviour, including this offence, showing a substantial degree of indifference respecting the reasonably foreseeable consequences to other people.

[31] Both branches of the test require that a pattern of conduct, which includes the s. 268 offence, be discernable from Mr. Charlie's history and criminal record.

[32] I note that "persistent" has been defined as "enduring" or "constantly repeated" (***R.*** v. ***J.Y.*** (1996), 104 C.C.C. (3d) 512 (Sask.C.A.)).

[33] As I stated in ***R.*** v ***Cardinal***, 2013 YKTC 30 (an LTO application varied on other grounds at 2013 YKCA 14):

> 115 … Feldman J.A. [in ***R.*** v. ***Hogg,*** 2011 ONCA 840] cited the reasons of the B.C. Court of Appeal in ***R. v. Dow***, 1999 BCCA 177 and ***R. v. Pike***, 2010 BCCA 401, as well as earlier decisions of the Ontario Court of Appeal in ***R. v. Jones*** (1993), 63 O.A.C. 317 and ***R. v. Langevin*** (1984), 45 O.R. (2d) 705, and the decision of the Alberta Court of Appeal in ***R. v. Neve***, 1999 ABCA 206. From these I conclude that the existence of a pattern requires that the court find "a number of significant relevant similarities between each example of the pattern" (***Dow***, para. 25). The relationship between the pattern and the predicate offence is also important, as:
>
> > ... [i]t would be inconsistent and unfair if the ultimate threat determination were to be made on the basis of a perceived threat unrelated to either the predicate offence or the pattern of behaviour it reveals as still persisting. (***Pike***, para. 82)
>
> 116 "Remarkable" similarity is not necessarily required in all circumstances, but where there are fewer offences, the requirement for similarity is increased. As stated in ***Neve*** at para. 113: "... the requirement for similarity in terms of kinds of offences is not crucial when the incidents of serious violence and aggression are more numerous".
>
> 117 The Court in ***Hogg*** concluded as follows:
>
> > [40] To summarize, the pattern of repetitive behaviour that includes the predicate offence has to contain enough of the same elements of unrestrained dangerous conduct to be able to predict that the offender will likely offend in the same way in the future. ... [T]he offences need not be the same in

> every detail; that would unduly restrict the application of the section.

[34] This understanding of what is required by a pattern has been recently affirmed by the majority of the British Columbia Court of Appeal in ***R. v. Walsh,*** 2017 BCCA 195. Citing ***Langevin, Dow, and Neve***, Bennett J.A. affirmed that "the very essence of pattern" requires "a number of significant relevant similarities between each example". There may be differences, so long as the key significant relevant elements are in place. It is for a judge to determine whether this is the case. As well, where a pattern is to be established on a very few incidents, those incidents must be more similar to one another than if there were many incidents.

[35] The existence of a pattern is critical to the application of the DO provision, as it is what allows the court to gauge the future likelihood of offending and risk to the community.

[36] Bennett J.A. also picked up on more recent appellate caselaw that affirms this approach, including ***R.*** v. ***Dorfer*** ,2013 BCCA 223, and ***R.*** v. ***Szostak***, 2014 ONCA 15, (the reasoning of which I recognize was called into question on other grounds in ***R.*** v. ***Boutilier***, 2017 SCC 64).

[37] Importantly, in ***Walsh***, the majority clarified that the "pattern" refers to "essential characteristics", not similarities in the particular facts of the different offences (para. 46). In that case, although the two offences relied on were both violent assaults with a weapon, in one there was no real motivation for it, while the second was a retaliatory response to an unusual situation. The motive and the circumstances of each were

sufficiently different that the offences could not be found to have formed a pattern (para. 49).

Application to Mr. Charlie

[38] In my view, Mr. Charlie's history of offending, while lengthy, does not reveal a 'pattern' of 'essential characteristics' in common with the circumstances and motive underlying this aggravated assault conviction.

[39] The bulk of Mr. Charlie's record reflects breaches of court orders, which is not surprising giving his FASD diagnosis.

[40] In terms of his offences of personal violence, there are two counts of robbery in which the actual violence and harm caused was towards the lower end, albeit not insignificant (2011), or minimal, perhaps even only as a party (2014), and the domestic assault/assault peace officer in 2015. I am aware of the submission of the Crown on the s. 348(1)(b) offence for which Mr. Charlie was sentenced in 2008 and the psychological harm he states that the victim suffered. On the facts as set out in Faulkner J.'s decision, it is not clear to me that Mr. Charlie broke into the residence knowing that the Elder victim was present or intending to confront her in any way, (in para. 5 of the decision she is noted to have discovered him in the house), and there is no reference by Faulkner J. to psychological harm. While not disputing such harm may have, or even is likely to have occurred, I am somewhat reluctant to equate this offence with the type of personal violence clearly apparent on the other offences I noted.

[41] The s. 268 aggravated assault involves Mr. Charlie using excessive force to injure Mr. Olsen, by kicking him twice in the head, after Mr. Olsen essentially started the fight and had knocked Mr. Charlie to the ground. This was not an instance where Mr. Charlie went looking for the fight. This is not an instance where Mr. Charlie was entering and/or breaking into a house and committing a robbery, as in the two s. 344 convictions. It also differs significantly in nature from the s. 266 domestic assault and the associated s. 270 assaulting a peace officer.

[42] With respect to the s. 348(1)(b) and 249(1)(a) and 249.1(1) convictions, these convictions occurred over 10 years ago when Mr. Charlie was 23 years of age. There have been no further s. 249(1)(a) or 348(1)(b) convictions. I am aware however, of the circumstances of the s. 344 offences (each having been committed in a dwelling house), and the remaining single s. 249.1(1) conviction in 2016.

[43] I do not find that these offences form part of a pattern, as “pattern” has been interpreted and applied by the courts that can be associated with the s. 268 predicate offence.

[44] As such, I find that there is not a real possibility that Mr. Charlie might be designated a DO under s. 753(1) and therefore there is no basis to order an assessment under s. 752.1.

[45] I further find that there is not a real possibility that Mr. Charlie may be determined to be an LTO. On the facts of this case as I found them to be, and having the significant information before me that I do with respect to the personal circumstances of Mr. Charlie, I do not believe that a custodial sentence of two years or more might be

imposed for the s. 268 offence. As such, the first of the criteria in s. 753.1 cannot be met, and therefore there is also no basis to order an assessment under s. 752.1.

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COZENS T.C.J.

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APPENDIX "A"

Consolidated Criminal Record From CPIC and PPSC Records

CHARLIE, Franklin Junior - DOB: 1985-01-18
(aka CHARLIE, Franklin Peter, CHARLIE, Franklin Slim)

Conviction Date/ Community	Charge/ RCMP/ Docket	Disposition
Youth Convictions:		
1999-03-24 Ross River YT	1. s. 348(1)(a) B&E with intent	1. 4 months secure custody & probation 1 year
	2. s. 348(1)(b) x5 B&E & Commit	2. 4 months secure custody concurrent
	3. s. 430(4) Mischief under $5000 (RCMP: 98-575)	3. 4 months secure custody concurrent
2001-01-11 Whitehorse, YT	1. s. 145(3) Fail to comply w. u/t	1. 2 weeks open custody
	2. s. 335 x2 Take auto w/o consent (RCMP: 00-641)	2. 2 weeks open custody on each chg. concurrent but consecutive, probation 6 months
2001-05-02 Ross River, YT	1. s. 355(1) Possession of property obtained by crime over $5000 (RCMP: 01-105)	1. Probation 6 months

The above noted additions to the attached CPIC criminal record document arise from a review of our PPSC Yukon Regional Office internal records. The Crown intends to rely upon both the CPIC records and the above noted supplementary PPSC records for trial or sentencing purposes. Please advise Crown counsel in advance of the trial or the sentencing hearing if you have any concerns about the accuracy of the CPIC records or any of the above noted supplementary PPSC records.

Conviction Date/ Community	Charge/ RCMP/ Docket	Disposition
Adult Convictions:		
2004-08-11 Ross River, YT	1. s. 733.1(1) Fail to comply with probation order	1. Time served (14 days)
2004-12-06 Ross River, YT	1. s. 145(3) Fail to comply w. u/t (DOCKET: 04-00205A)	1. 1 day jail (credit for 50 days pre-sentence custody)
2004-12-06 Whitehorse, YT	1. s. 145(1)(a) Escape lawful custody	1. 1 day (50 days pre-sentence custody)
	2. s. 733.1(1) Fail to comply with probation order	2. 1 day (50 days pre-sentence custody)
	3. s. 733.1(1) Fail to comply with probation order	3. 14 days pre-sentence custody
2006-03-29 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order	1. 30 days conditional sentence
	2. s. 430(4) Mischief under $5000 (RCMP: 05-730061)	2. 30 days conditional sentence consecutive & probation 9 months
	3. s. 145(3) x2 Fail to comply with u/t	3. 30 days conditional sentence concurrent
2008-02-01 Whitehorse, YT	1. s. 348(1)(b) B&E & theft	1. 2 years & 1 day jail
	2. s. 348(1)(b) B&E & commit mischief	2. 6 months jail concurrent
	3. s. 249(1)(a) Dangerous operation of a motor vehicle	3. 6 months jail concurrent, 2 year driving prohibition

The above noted additions to the attached criminal record result from a review of various government files or databases. The Crown intends to rely upon these records of convictions for trial or sentencing purposes. Please advise Crown counsel in advance of the trial or sentencing hearing if you have any concerns about the accuracy of the above noted entries.

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Conviction Date/ Community	Charge/ RCMP/ Docket	Disposition
	4. s. 354 Possession of property obtained by crime under $5000	4&5 3 months on each charge concurrent and concurrent
	5. s. 430(3) Mischief over $5000	
	6. s. 249(1)(a) Dangerous operation of a motor vehicle	6. 4 months concurrent, 2 year driving prohibition
	7. s. 354 Possession of property obtained by crime under $5000	7. 3 months concurrent
	8. s. 249.1(1) Flight while pursued by peace officer	8. 2 months concurrent
	9. s. 145(3) Fail to comply with u/t	9. 30 days concurrent
	10. s. 430(1)(a) Mischief	10. 18 months concurrent
	11. s. 733.1(1) Fail to comply with probation order	11&12 30 days on each charge concurrent and concurrent
	12. s. 145(2)(b) Fail to attend court (RCMP: 07-1235241, 06-952042, 07-914035, 07-538134, 07-538079, 07-120910)	
	13. s. 145(3) x2 Fail to comply w. Recog. (Pacific Institute RTC)	13. 30 days on each charge concurrent and concurrent

The above noted additions to the attached criminal record result from a review of various government files or databases. The Crown intends to rely upon these records of convictions for trial or sentencing purposes. Please advise Crown counsel in advance of the trial or sentencing hearing if you have any concerns about the accuracy of the above noted entries.

Conviction Date/ Community	Charge/ RCMP/ Docket	Disposition
2011-12-16 Ross River, YT	1. s. 145(3) Fail to comply with u/t (RCMP: 10-1166379)	1. 30 days jail
	2. s. 344(b) Armed Theft (RCMP: 10-516919)	2. 2 years and 9 months jail (credit for 27 months pre-sentence custody), 3 year Probation, 10 year Firearm Prohibition
	3. s. 145(2) Fail to attend court (RCMP: 10-516919)	3. 30 days jail
2014-04-23 Ross River, YT	1. s. 344 Theft (RCMP: 13-546788)	1. 9 weeks jail (in addition to 14 months pre-sentence custody), 3 year Probation, Lifetime Firearm Prohibition
2015-02-11 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order (RCMP: 14-1358884)	1. Pre-sentence custody, 9 days
2015-08-21 Whitehorse, YT	1. s. 145(3) Fail to comply w. Recog.	1&2 1 month on each charge concurrent
	2. s. 145(3) Fail to comply w. Recog. (RCMP: 15-882886)	
2015-08-21 Whitehorse, YT	1. s. 266 Assault	1. 4 months
	2. s. 270(1) Assault peace officer	2. 3 months
	3. s. 129 Obstruct peace officer (RCMP: 15-403491)	3. 2 months

The above noted additions to the attached criminal record result from a review of various government files or databases. The Crown intends to rely upon these records of convictions for trial or sentencing purposes. Please advise Crown counsel in advance of the trial or sentencing hearing if you have any concerns about the accuracy of the above noted entries.

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Conviction Date/ Community	Charge/ RCMP/ Docket	Disposition
2015-11-04 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order (RCMP: 15-1370082)	1. 30 days jail
2016-09-13 Whitehorse, YT	1. s. 249.1(1) Flight while pursued by peace officer	1. 1 day (credit for the equivalent of 90 days pre-sentence custody), 1 year driving prohibition
	2. s. 253(1)(b) Driving w. more than 80 mgs of alcohol in blood (RCMP: 16-20519)	2. 1 day jail, 1 year driving prohibition
2016-09-13 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order (DOCKET: 13-00104D)	1. 1 day deemed served (in addition to 6 days pre-sentence custody)
2016-09-13 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order (RCMP: 16-865072)	1. 1 day (credit for 6 days pre-sentence custody)
2017-04-07 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order (RCMP: 17-85172)	1. 21 days (9 days pre-sentence custody)
2017-04-07 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order (RCMP: 16-1244965)	1. 1 day (30 days pre-sentence custody)

The above noted additions to the attached criminal record result from a review of various government files or databases. The Crown intends to rely upon these records of convictions for trial or sentencing purposes. Please advise Crown counsel in advance of the trial or sentencing hearing if you have any concerns about the accuracy of the above noted entries.

Conviction Date/ Community	Charge/ RCMP/ Docket	Disposition
2017-04-07 Whitehorse, YT	1. s. 733.1(1) Fail to comply with probation order (RCMP: 17-305235)	1. 30 days concurrent

Date of Verification: May 30, 2018

Initials: jmp

Signature: