

Citation: *R. v. Jackson*, 2005 YKTC 67

Date: 20050914
Docket: T.C. 05-00318
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Worship Justice of the Peace Cameron

REGINA

v.

WAYNE WENDELL JACKSON

Appearances:
Noel Sinclair
Lynn McDiarmid

Counsel for Crown
Counsel for Defence

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): Mr. Jackson has plead to guilty to one count of s. 334 and one count of s. 129.

[2] Facts before the Court are, August 31st of this year, Mr. Jackson attended the Superstore, took meat, a value of \$194, attempted to leave the store without paying for it.

[3] Police conducted an investigation and when they confronted Mr. Jackson, he gave a false name, one of Mr. Phillip McLeod as his name. It rendered him a bit of freedom as the police did turn him loose after checking that name with the birth date

and finding no prior history. However, on September 1st, further investigation revealed that the photograph of Mr. Jackson confirmed that it was in fact Mr. Jackson. Police then arrested Mr. Jackson later on the 7th of September. He has been in custody since that time. It is eight days.

[4] Mr. Jackson is currently on parole, having actually just recently returned to Yukon, being released on parole. It is such, as a parole violator, his parole will be reviewed with possible revocation.

[5] Crown is suggesting a 90 day global sentence and defence is suggesting something less. Mr. Jackson's criminal history is perhaps his biggest hurdle. By my tally, 46 prior property related convictions, two prior obstruct justice -- or obstruct peace officer convictions.

[6] Mr. Jackson, with your criminal history any infractions or violations, particularly involving property, simply indicate that you are conducting business as usual. You cannot justify taking other people's stuff. Whether it is for you or for somebody else, it cannot be justified. You have a history that shows that is what you have done since 1983.

[7] I also note for the record that, 2003, convictions for theft under and got three months on each, consecutive. Prior to that, one charge for theft under, 80 days. Charge for theft under, 60 days, 2002. So when your counsel says that it seems a little steep, it really does not at this point in time. It is simply because your history shows that this, as I say, this is what you do if you are a free man. You have not made any strides or efforts to operate on the streets in a different way.

[8] As such, the range sought by the Crown is, in my view, if anything, probably on the lower end of the scale, but I will succumb to the global sentence. I am going to impose 45 days for each, to be served consecutive. I am going to give you 1.5 to one credit for your eight days in custody. That is 12 days less, Madam Clerk, which means that you have 78 left to do, to serve.

[9] Victim fine surcharge is waived on both counts.

CAMERON J.P.T.C.