

IN THE TERRITORIAL COURT OF YUKON
(Before His Honour Judge Faulkner)

REGINA

v.

JOSEPH WILLIAM MORRIS

Kevin Drolet

Appearing for Crown

Gordon Coffin

Appearing for Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): Joseph Morris stands convicted of a charge of assault and two charges of breach of undertaking.

[2] The difficulties with respect to disposition in this case arise from the fact that Mr. Morris is a mature offender with a long and related record, with numerous entries for violence and numerous entries for failing to comply with court orders.

[3] There is really, at this point, no prospect that a community-based disposition can be effective, given his history of failing to comply with court orders, and given the fact that after the guilty plea to the charge of assault was entered at the last sitting of the Court, the matter was adjourned for the preparation of a pre-sentence report. Mr. Morris failed to follow through, and so no report could be prepared.

[4] Similarly, there was some effort made to have Mr. Morris assessed for treatment at the Family Violence Prevention Unit. Again, that proved abortive because of lack of cooperation from Mr. Morris.

[5] Accordingly, the sentencing options essentially resolve themselves down to the imposition of a custodial sentence. It has been suggested by the Crown that the custodial sentence be followed by a probation order. I think really that there is no prospect whatsoever of Mr. Morris complying with the terms of such an order.

[6] It is to be hoped that he may wake up and realize that things have got to change and that he needs to take treatment, but I think that it is highly unlikely that that will occur in the context of a court-ordered treatment.

[7] I take Mr. Coffin's point that this was not the most serious of assaults, and, as well, the prohibited contact with Mr. Morris' wife may have been connived at by his spouse. But nevertheless, given the track record of this accused and the utter failure of court-ordered control of his behavior, a reasonably substantial period of imprisonment is called for simply for the purpose of the safety and protection of the public.

[8] In respect to the charge of assault, you are sentenced to a period of imprisonment of four months. With respect to each of the charges of breach of undertaking, 30 days consecutive to each other and consecutive to any other sentence. The surcharges are waived.

FAULKNER T.C.J.