

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

REGINA

v.

JOHN MICHAEL REEVES

John Phelps

Appearing for Federal Crown

Lenore Morris

Appearing for Territorial Crown

Samantha Wellman

Appearing for Defence

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**REASONS FOR SENTENCING**

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[1] FAULKNER T.C.J.(Oral): John Michael Reeves was convicted after trial on a charge of breaking and entering a place and committing therein the indictable offence of theft. The breaking and entering in question was a breaking and entering of a garage at a dwelling house where a motorcycle was taken.

[2] I should say that the matter proceeded to trial, in my view, in the face of overwhelming evidence of Mr. Reeves' guilt upon the charge, and is demonstrative of Mr. Reeves' lack of acceptance of responsibility.

[3] He also stands convicted of a territorial *Motor Vehicles Act* offence which, in normal circumstances, might be considered a bit of a sidebar or background noise, but, in this case, it is of some significance, as well, because it is a charge of driving while disqualified, and Mr. Reeves has a similar related conviction the result being that he is facing a three-month minimum custodial sentence for that offence. That offence is further aggravated by the fact that Mr. Reeves has an extraordinarily bad driving record, demonstrative, in my view, of a complete and cavalier lack of regard for the safety of the public.

[4] With respect to the sentence to be imposed in this case, firstly, as I have already indicated, he is facing a three-month custodial sentence at least with respect to the *Motor Vehicles Act* charge and, in my view, he is also facing a custodial sentence with respect to the breaking and entering charge, having regard to his prior record and the pre-sentence report which makes it clear that he is not a fit or a suitable candidate for a community-based disposition.

[5] About the best that I can do is to temper the results somewhat by regard to the fact that Mr. Reeves is still a young man and has some family responsibilities, and also, of course, by having regard to the global effect of the sentences to be imposed today.

[6] With respect to the *Motor Vehicles Act* charge, Mr. Reeves, I will impose the minimum, which is a period of three months imprisonment, and you are disqualified from holding an operator's license for a period of three years.

[7] With respect to the *Criminal Code* charge, you are sentenced to a period of imprisonment of four months to be served consecutively.

[8] Following your release from imprisonment you will be subject to a probation order for a further period of nine months; conditioned that: you keep the peace and be of good behaviour; you report to the court as and when required; you report to a probation officer forthwith upon your release from imprisonment and thereafter as directed; you advise the probation officer forthwith of any change of name or address; and, promptly notify him of any change of occupation or employment.

[9] That you make restitution by paying in to the Clerk of the Territorial Court the sum of \$576, in trust for Jason Bennett and April Laidlaw, such amount to be paid within six months after the probation order comes into force.

[10] You will take such alcohol or substance abuse assessment, treatment, or counselling as your probation officer directs.

[11] Since, in my view, priority should go to the payment of restitution, I will waive the surcharges.

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FAULKNER T.C.J.