

Citation: *R. v. Ridgway*, 2015 YKTC 47

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14-00453
14-00453B
14-00453A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Cozens

REGINA

v.

RONALD JOHN RIDGWAY

Appearances:
Joanna Phillips
Ronald Ridgway

Counsel for the Crown
Appearing on his own behalf

REASONS FOR SENTENCE

[1] COZENS T.C.J. (Oral): Ronald Ridgway has entered guilty pleas to having committed offences contrary to ss. 253(1)(b), 145(5)(b), 348(1)(a), and 348(1)(b) of the *Criminal Code*.

[2] Mr. Ridgway is representing himself in court today, having no longer been able to maintain the necessary solicitor-client relationship with his prior counsel. His prior counsel had signed an Agreed Statement of Facts. I made it clear that I was not going to, there having been a breakdown of the solicitor-client relationship, rely on the signature of prior counsel in this. Present Crown, who is not the Crown who signed the

Agreed Statement of Facts, reviewed these facts, read in these facts, and then Mr. Ridgway accepted them, so these were filed as an exhibit; again, accepted on the basis of them having been read into court and agreed to by Mr. Ridgway.

[3] By way of further background, this matter was before the court earlier. Mr. Ridgway had indicated his intention to proceed and it was adjourned over to ensure that a resolution could be reached and that Mr. Ridgway understood the results of this resolution.

[4] The facts, very briefly, as stated, are that on October 11, 2014, Mr. Ridgway was observed operating a motor vehicle in an area that police found was somewhat odd. They followed up with an investigation and, ultimately, Mr. Ridgway provided breath samples of 120 and 110 mg%. He was released, required to attend in court on December 3rd, and failed to attend.

[5] On May 13, 2015, he failed to attend court.

[6] On June 10, 2015, Mr. Ridgway broke into Northern Industrial Sales, through a concrete brick wall, and took from there a welder and a wrench set that were not recovered.

[7] On June the 14, 2015, Mr. Ridgway broke into Yukon Honda and took a number of items: two lawnmowers and two motorbikes in his first entry, and then attempted to drive through the gate on a side-by-side motor vehicle. He ended up being arrested and gave statements as to what he had done. He indicated that this offence had been

committed to support his drug habit, and he acknowledged his responsibility for damage to the chain link fence, the all-terrain side-by-side vehicle, and the gate.

[8] Mr. Ridgway has a lengthy and extensive criminal record. He is 46 years of age. His record has in excess of 40 theft and break-and-entry related convictions, two prior impaired driving offences, and a number of other offences. He has served significant periods of time in custody, going back to as a youth where he had secure custody sentences. As an adult: 12 month sentence; 30 month sentence on a robbery, six month sentence on possession of property charges; two years on break-and-enter and theft charges. Interestingly, there is a gap in his record from 2005 to 2013 when Mr. Ridgway was running his own business and doing quite well. He then got into an accident and lost the ability to run his business, at which point in time his life went significantly downhill and into substance abuse, which brings him before the court.

[9] There was a Pre-Sentence Report filed. Mr. Ridgway has had a very difficult childhood. During his childhood, there was abuse and neglect. There is no doubt that being raised in the manner that he was, would have been extremely difficult on a child and would have presented a number of obstacles to developing a healthy life. These are obstacles that it appears Mr. Ridgway, at one point in time, was able to surmount, which gives me hope that he can do it again if he moves forward and just deals with life the best that he can to give himself the best prospects for the future and not try to deal with it by numbing himself to whatever pain exists, because that is not going to be helpful to him.

[10] Mr. Ridgway has some support, but he tends to do a lot of things on his own. He should take advantage of whatever supports are available to him. Mr. Ridgway met with Ms. Bringsley, a psychologist, and she provided a helpful Report that is attached to the Pre-Sentence Report. The trauma that Mr. Ridgway experienced and was subject to and witnessed as a child, appears to have continued when in custody during these various times, so it seems to be an almost unbroken line of difficulty, except for a small period of time. He suffers from significant medical issues and the resultant consequences. Ms. Bringsley states that he needs ongoing therapy to assist in managing himself and to ensure he better understands his own behavioural presentation. He acknowledges that he needs treatment/counselling.

[11] There is a joint submission before me that is, in all, a custodial disposition that amounts to, I believe, 33½ months custody. That is on the high end of the range for an offender in Mr. Ridgway's circumstances, taking into account the aggravating and mitigating factors, but still within the range.

[12] Crown was also prepared to seek a sentence at the high territorial end after credit for time served, which I note is nine months credit that he is entitled to.

[13] Mr. Ridgway, being familiar with the federal system, and having been at the Whitehorse Correctional Centre for quite a while, feels that in order to get the best counselling that he can and to make the best strides forward in his rehabilitation, he would do better in a federal penitentiary. He has asked that the Crown agree with him on a sentence that is longer, in order to allow him to serve it federally.

[14] I have questioned Mr. Ridgway on this and I am satisfied that he is making a fully informed decision. Were the sentence out of the range, I would not impose it regardless of the agreement of counsel. It is within the range and as such, I will impose a sentence that has been put forward.

[15] With respect to the s. 253(1)(b) offence, the sentence will be four months, noted to be his time served.

[16] With respect to the failure to appear, the sentence will be one and one half months consecutive, time served.

[17] So that is five and one half months of the time in custody.

[18] With respect to the first break-and-enter into Northern Industrial Sales, that will be 14 months consecutive, of which three and one half months will be time served. That will leave him with 10½ months, and that is consecutive. And then there would be an additional consecutive sentence of 14 months on the break-and-enter into Yukon Honda. That leaves 24½ months custody remaining to be served.

[19] There will be victim surcharges of \$500. I will make them payable forthwith. I will note you to be in default and I will order that you serve your default time concurrent to the time you are going to be serving in custody, so a warrant of committal on the default will go forward.

[DISCUSSION WITH COUNSEL]

[20] I am going to make a DNA order under this. It is minimally intrusive. No other ancillary orders will go.

[21] Crown is entering a stay of proceedings on the remaining files.

[22] There will be a driving prohibition.

[23] All the other files to which pleas were not entered will be stayed.

[24] There is a driving prohibition prohibiting you from operating a motor vehicle on any street, road, highway, or public place.

[DISCUSSION WITH COUNSEL]

[25] I am going to make the driving prohibition for two years instead of three, but it is in addition to any period of imprisonment.

COZENS T.C.J.