

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

REGINA

v.

ADAM JOHN ROBINSON  
(aka ADAM JOHN LOUGHEED)

Peter Chisholm

Appearing for Crown

Samantha Wellman

Appearing for Defence

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**REASONS FOR SENTENCING**

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[1] FAULKNER T.C.J. (Oral): In this case, the accused, Adam John Robinson, has entered a plea of guilty to a charge of breaking and entering a dwelling house.

[2] Mr. Robinson gained entry to the residence in question by smashing a window. Once inside, he stole a considerable quantity of jewelry valued at a very significant amount, approximately \$50,000. None of the jewelry has been recovered.

[3] The accused has entered a guilty plea to the charge but it certainly was not offered at an early date but only on the date set for trial. The guilty plea was only offered in the face of rather compelling evidence, including the fact that his fingerprint

was found upon the jewelry box that had contained the stolen items.

[4] Although Mr. Robinson is only a young man of 20, and although this is his first adult conviction, he has amassed a serious, persistent, and entirely related record as a youth.

[5] As I have indicated, this was a break and entering into a dwelling house and that, in my view, is an extremely serious matter. Breaking and enterings are often thought of as non-violent crimes but it is quite clear from the victim impact statement, and it is quite clear from Ms. Wheldon's comments to the court, that the sense of violation, mistrust and fear caused by break and enterings of dwelling houses is every bit as real as if the householder had been robbed. So the impact to the persons victimized by these sorts of offences goes well beyond the items that were actually taken and goes well beyond the damage to their house.

[6] In this case, of course, the circumstances are aggravated substantially by the enormity of the loss and further aggravated by the accused's lack of cooperation in attempting to retrieve any of the items that were taken.

[7] In short, I can see very little that is mitigating in the circumstances of the case save and except for, as I have mentioned, the guilty plea and the fact that he is a young man.

[8] Given the background of this offender and given the circumstances of the offence, I am satisfied that a custodial sentence in the range of one year in prison would be fully warranted in this case. The accused, of course, is entitled to credit for the time he has already spent in custody, which is in excess of three months. Credit

for pre-trial custody is normally credited at the rate of two for one because of the fact that prisoners on remand are kept in conditions inferior to those afforded to sentenced prisoners. As well, persons on remand do not have any opportunity to avail themselves of parole or early release provisions. I am allowing the accused double credit, therefore, for the time he spent in custody with respect to this matter.

[9] Mr. Robinson, you are sentenced to, in addition to the time already served, a further period of imprisonment of six months. Following your release from imprisonment, you will be subject to a probation order for a period of 18 months. The terms of the order will be that you will keep the peace and be of good behaviour. You will report to the court as and when required. You will report forthwith upon your release from imprisonment to an adult probation officer and thereafter as directed. You will advise the probation officer forthwith of any change of name, address or employment. You will take such alcohol or substance abuse assessment, treatment or counseling as your probation officer directs, including, if directed, attendance for residential treatment.

[10] Mr. Chisholm, it is also my intention to impose a no-contact order. The names will be Beverly Wheldon and --

[11] MR. CHISHOLM: Doug Graham (sic).

[12] THE COURT: Doug Graham. You will have no contact directly --

[13] MR. CHISHOLM: I am sorry, Doug Thomas.

[14] THE COURT: I am sorry, Doug Thomas. You will have no contact directly or indirectly with Beverly Wheldon or Douglas Thomas. You will not attend at or within one kilometre of the residence municipally known as 7 Grayling Place, Whitehorse, Yukon Territory. You will reside at such location as your probation officer will direct, and during the first three months of your probation order you will be in your place of residence and not be abroad between 9:00 p.m. and 7:00 a.m., seven days per week. You will present yourself at the door at any time that a probation officer or police officer attends at your residence for a curfew check and your non-attendance at the door will be considered a violation of the probation order.

[15] There will be a restitution order in favour of Beverly Wheldon in the amount of \$45,000. That restitution order is payable forthwith, and, therefore, may be entered at any time by Ms. Wheldon as a civil judgment.

[16] In the circumstances, the surcharge is waived.

[17] There will also be an order whereby you will provide samples of blood or other bodily substances for the purpose of forensic DNA analysis and banking.

[18] MR. CHISHOLM: Your Honour, just one comment with respect to the probation order in terms of the no-contact and the no-go clause. I understand from speaking briefly to Ms. Wheldon and Mr. Thomas that number 7 Grayling is -- actually this number 7 Grayling is in Marsh Lake, which I wasn't aware of. They also run the Gold Rush Inn and I was just wondering if the not attend might include the Gold Rush Inn?

[19] THE COURT: Address change allowed. Additionally, will not attend within the premises known as the Gold Rush Inn in Whitehorse, Yukon.

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FAULKNER T.C.J.