

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

REGINA

v.

DAVID CHARLES WIEBE

Michael Cozens

Appearing for Crown

Lynn MacDiarmid

Appearing for Defence

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): Mr. Wiebe has pled guilty to one count under s. 354 of the *Criminal Code*, that is before the court.

[2] The police initially were alerted, due to an anonymous report, of a possible parole violator in the area. There were some outstanding warrants. So they continued to be on the lookout for the person in question.

[3] The police located Mr. Wiebe on the 16th of July, 2003. At that time he was in possession of a stolen vehicle. The vehicle had been reported stolen on June 23rd, 2003.

[4] Mr. Wiebe has a very lengthy record. It is related, with 39 prior property related convictions. He is, of course, subject to parole violation consequences and is to be returned to the federal system.

[5] The Crown is suggesting this matter should be dealt with by way of custody in consecutive custody terms in the 60 to 90 day range.

[6] I have some problems, Mr. Wiebe, with you feeling that you are doing really well by driving around for a month in a stolen car. I just do not quite follow that logic. Perhaps you are not doing drugs and perhaps were not drinking but every minute that you were in possession of that vehicle, you were violating the law. So that is not doing all that well, in my view. Perhaps it is a perspective thing. Maybe you think you could have been doing much worse. Well, perhaps you could have been. Bottom line is until you stop breaking the law, the courts do not consider you doing very well.

[7] Your record shows that this is consistent behaviour and has been for many, many years for you. As such, I am going to impose a 90-day sentence on this particular matter. It is going to be served consecutively to any sentence that you are currently serving.

[8] The victim fine surcharge will be waived as you will be of limited means for some period of time.

CAMERON J.P.T.C.