

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

REGINA

v.

ROBIN STANLEY WHEELER

Keith Parkkari

Appearing for Crown

John Anton

Appearing as Agent for Bob Dick

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): Mr. Wheeler has plead guilty to one count under s. 253(a).

[2] The facts before the Court are on April 7th there was a report of a motor vehicle accident, a single vehicle roll-over, in the ditch on the Alaska Highway. It was in the mid-evening hours. Police attended. The vehicle was upside down in the ditch. Mr. Wheeler was present in the area, and the only person present in the area.

[3] Mr. Wheeler was taken to the hospital, blood samples were taken and obtained. Ultimately later, throughout the investigation, a warrant was obtained for those samples. The samples showed a blood alcohol level of 183 and 216.

[4] Mr. Wheeler has no prior criminal record.

[5] The Crown is seeking a fine in the \$1,000 range and one year prohibition.

[6] The Court can take that this matter is an out-of-character situation for you, Mr. Wheeler, as you have appeared to have obtained the age you have without prior, similar offences occurring in the past. As such, the Court is in agreement that a fine is an appropriate way to deal with it.

[7] I am going to impose a fine of \$900, and a victim fine surcharge of \$135, which is a total of \$1,035 in fines.

[8] In addition, your driver's licence will be held by the Court for one year; that is the minimum period under the law. That is under the Yukon legislation and the *Criminal Code* of Canada.

[9] However, the Court is going to indicate that you should be allowed to apply for the Interlock Program after the first four months of that prohibition. It does not mean that you would get it, it just simply means that you should be allowed to apply and then whether or not you qualify for it is entirely up to the program.

[10] That would allow you then to drive vehicles, as long as they have the interlock device installed in them, for the final eight months of that prohibition.

[11] The total penalties and fines is \$1035. How long would you need to pay that?

[12] MR. ANTON: I think three months. Would that be

acceptable, Your Worship?

[13] THE COURT: Three months time to pay. You should be advised that in the Yukon jurisdiction if you were to be convicted of driving while disqualified, you would most invariably start looking at a 30 day jail sentence. It is a serious offence, so do not drive while you are disqualified.

[14] When you go to get your driver's licence back, you will go to Motor Vehicles. They may require that you take certain courses before they will allow you to get your licence back. That is between you and Motor Vehicles.

[15] The Court order prohibition is for a one-year period.

[16] Okay. You will have to attend at the Court Registry and it will take about 20 minutes, they will have some paperwork for you to sign before you leave.

[17] MR. PARKKARI: Stay of proceedings on Count 2.

[18] THE COURT: Count 2 stayed.

CAMERON J.P.T.C.