

Citation: *R. v. Amos*, 2014 YKTC 61

Date: 20140923
Docket: 14-00136A
13-00341C
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Luther

REGINA

v.

ALAN DOUGLAS AMOS

Appearances:
Ludovic Gouaillier
Alan Douglas Amos

Counsel for the Crown
Appearing on his own behalf

REASONS FOR JUDGMENT

[1] LUTHER T.C.J. (Oral): On Information 14-00136A:

[2] A longstanding relationship between Joanne Murphy, Joseph Szulinszky, and the defendant broke down after 12 years or so because Joanne Murphy, a close friend of Shannon Knowles (who was separated and hiding from the defendant) would not disclose Shannon Knowles' location to the defendant.

[3] The defendant was ordered several times to leave their home by Joanne Murphy, but this was largely thwarted by Joseph Szulinszky, who continued to have the defendant over for coffee.

[4] As to communications, which is the central point of this charge, the defendant did say to Joanne Murphy, "I know you're still talking", which is obviously a reference to Shannon Knowles. Joanne Murphy stood by her friend, Shannon Knowles, and refused to disclose her location to the defendant. Frustrated, the defendant called Joanne Murphy at work, from her own house phone, and called her a "stunned cunt". The defendant went to her workplace, the Whitehorse Air Tanker Base, and told an acting supervisor, Walter Nehring, that she was providing drugs to co-workers. Walter Nehring described him as agitated, walking to the door with purpose, and not normal. The defendant repeatedly told Joseph Szulinszky that she was meeting men for coffee all the time, and having an affair with Kim.

[5] The alleged occurrences in Atlin, Carcross, and Wolf Creek have not been proven.

[6] The defendant is a very large man, well over six feet tall, and well over 200 pounds. Joanne Murphy is an average size woman, perhaps five-foot-five. She feared for her safety, but in fairness, indicated, "this was all about Shannon, not about me".

[7] The threefold discussions outlined above are sufficient to constitute an offence under s. 264(2)(b). The fivefold test in *R. v. Sillipp*, 1997 ABCA 346 is met.

[8] There were a number of side issues raised involving retribution by Joanne Murphy as to the dismissal of charges involving Shannon Knowles and the defendant: drug cartels, firearm shots, winning the lotto, civil lawsuit by the defendant for work not done. While interesting, they have no direct bearing on this case.

[9] I am satisfied to register convictions on Counts #1 and #2.

[10] On Information 13-00341C:

[11] The video statement, plus the evidence of Joanne Murphy, easily established convictions on Counts #1 and #3.

[12] Count #2 is a *Kienapple* dismissal.

LUTHER T.C.J.