

Citation: *R. v. Chalmers*, 2010 YKTC 132

Date: 20101118
Docket: 10-00499
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

RAYMOND ALLEN CHALMERS (aka BIRD)

Appearances:
Eric Marcoux
Melissa Atkinson

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] FAULKNER T.C.J. (Oral): Raymond Allen Chalmers was convicted after trial on a charge of spousal assault. The assault consisted of a number of blows struck to the face and chest of his girlfriend, Ms. Battaja. It resulted in her bleeding about the mouth. She was taken to the hospital, but soon released.

[2] As I have already indicated, this was a spousal assault, and it did cause some injury to the victim. It was also committed by an offender who has a horrendous criminal record, including some 14 or 15 prior assaults. The Crown has proceeded by indictment.

[3] It is suggested that Mr. Chalmers has embarked upon a healing path, a path of sobriety, but that seems to fly in the face of the evidence that, on the occasion in

question, he was substantially under the influence of alcohol.

[4] In my view, a fit sentence, having regard to the circumstances of the offence and the offender, is one of eight months imprisonment. He is, of course, entitled to credit for the time he spent in pre-trial custody, leaving a remanet of six months and 22 days yet to be served.

[5] It is suggested that after his release from imprisonment, Mr. Chalmers should be subject to a probation order. In my view, such an order would not be worth the paper it is written on. I do, however, agree that there should be an order whereby Mr. Chalmers will provide samples of bodily substances for the purpose of DNA analysis and banking.

[6] Additionally, I am satisfied that I should exercise my discretion in favour of imposing an order under s. 110 of the *Criminal Code*, prohibiting him from having in his possession any firearm, ammunition, explosive substance, or any of the other items more compendiously described in s. 110, for a period of three years following his release from imprisonment.

[7] MR. MARCOUX: I understand the victim surcharge will be waived in the circumstances.

[8] THE COURT: I thought I said that, but if I did not, it is waived.

FAULKNER T.C.J.