

Citation: *R. v. Christie*, 2012 YKTC 110

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12-00358 12-00359
12-00361 12-00363
12-00365 12-00367
12-00368 12-00369
12-00421 12-00783
12-00784A
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Lilles

REGINA

v.

RYAN WESLEY CHRISTIE

Appearances:
Terri Nguyen
Kimberley Hawkins

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] LILLES T.C.J. (Oral): Today I am dealing with the matter of Ryan Wesley Christie. Mr. Christie is a 31-year-old man who has entered guilty pleas to some 54 charges, by my count, dating back to August of 2011 and ending on March 17, 2012 in Watson Lake, where he was apprehended by the police. These offences occurred in Saskatchewan, Alberta, British Columbia, and Yukon Territory. During this time he had relapsed into abusing cocaine and the property offences were committed for the purpose of feeding this addiction.

[2] Counsel filed an Agreed Statement of Facts, Tab A, which I adopt as part of my reasons for this sentence. The stolen items recovered by the Watson Lake Royal Canadian Mounted Police are set out in Tab B, which I also adopt as part of my reasons. A few of these items belong to Mr. Christie and will be returned to him. The others will be forfeited and returned to their rightful owners. Some are illegal and will be destroyed. They number 85 in total. I have already made a separate order regarding their disposition. Tab C sets out the losses incurred by individuals due to damage and loss of property. The total is close to \$17,000. I adopt Tab C as part of my reasons. I agree with counsel that an order for restitution is impractical, and in fact may be anti-therapeutic in Mr. Christie's struggle with his addictions. Tab D lists the file numbers, charges, and recommended dispositions for each offence as agreed to and submitted by counsel.

[3] Taking into account concurrent sentences, the total sentence is 24 months incarceration. While at the low end of the range, taking into account the fact of guilty pleas and the savings to the justice systems in four jurisdictions where these offences were committed, I accept counsel's recommendations.

[4] A Pre-Sentence Report was filed by Julie Clark. I also adopt that report as part of my reasons as there was no objection by counsel to its contents. It is detailed and lengthy. Without attempting to summarize all of its contents, I do note the following:

1. Mr. Christie had a difficult and sometimes abusive childhood. His parents separated when he was five years old, and his stepfather was not a positive influence.
2. He began experimenting with alcohol and drugs when he was 13, and was an addict by age 16.

3. He has had a number of failed relationships, and two children, age five and seven, who are not currently in his care. He has not had any recent contact with them.
4. Mr. Christie has sought out and completed treatment for his addictions in the past. This crime spree started approximately one year after he had completed a 20-day residential treatment program at the Northern Addictions Centre in Grande Prairie. He has also attended Narcotics Anonymous and Alcoholics Anonymous meetings in the past.
5. While in remand custody on these charges, he has had 31 negative reports and 39 positive entries. He is rated very high to reoffend. I have inferred that that high rating is entirely related to his history of addictions and drug abuse. I am equally satisfied that if he is able to control his addictions, which he himself has acknowledged will be a lifetime challenge, that risk will be substantially reduced.
6. He has a limited but related criminal record for which he has not received a custodial sentence.
7. I accept that Mr. Christie is, as he stated to the Court, sorry for what he has done, but as his Pre-Sentence Report indicates, he is reluctant to accept sole responsibility for his actions. If he is to conquer his addictions and to remain sober, he will have to learn to look entirely within himself for both blame and solutions.
8. Counsel has agreed on a total sentence of 24 months for these offences. He has spent 244 days in pre-trial custody.

In the circumstances, I am not prepared to give him a credit of 1.5. Rather, I am allocating a credit for 11 months for his pre-trial custody. His remaining sentence then will be 13 months.

[5] I agree with counsel that there should be no further probation order. I have already made a DNA order, as requested by the Crown, although, Madam Clerk, I have not signed it yet. I have signed a forfeiture order as prepared by Madam Crown.

[6] MS. NGUYEN: Yes, sir, and I apologize. I believe a firearms prohibition is also mandatory, given the charges on the docket.

[7] THE COURT: Yes. Any issue with that, defence counsel?

[8] MS. HAWKINS: No. No issue with that.

[9] THE COURT: Firearms order will go, as requested.

[10] MS. NGUYEN: Thank you.

[11] THE COURT: Is there anything else we need to tidy up this matter?

[12] MS. NGUYEN: No. Just if there is a question about what the firearms prohibition applies to, it applies to all of the break and enter offences, to the section 333.1 offence, and to the 356(1)(a) offence, so the same offences as the DNA.

[13] THE COURT: Right. Thank you.

[DISCUSSION RE BOOK OF DOCUMENTS AS EXHIBIT]

[JUDGE ADDRESSES THE ACCUSED]

[MATTERS RECALLED FOR AMENDMENTS]

[14] MS. NGUYEN: Sir, during the sentencing this morning we neglected to break down the credit for time served.

[15] THE COURT: Yes. I indicated it on a global basis.

[16] MS. NGUYEN: Yes.

[17] THE COURT: Because of my omission, Chief Judge has sent me back here with supervision to make sure I do not make the same mistake again.

[18] MS. NGUYEN: As it should be.

[19] THE COURT: On the other hand, I suppose I should say I would have expected counsel to assist the Court and not vacate for lunch as quickly as you did.

[20] Now, I suggested that perhaps you might put your heads together and come up with a formula in terms of how to allocate the --

[21] MS. NGUYEN: We certainly did, sir.

[22] THE COURT: Right.

[23] MS. NGUYEN: What we are proposing is that on the Watson Lake matter, which is 24 months on the offences to which he has pled guilty to on that Information --

[24] THE COURT: Yes.

[25] MS. NGUYEN: -- that be reduced by 11 months credit for time served, so that the sentence would read 13 months.

[26] THE COURT: Thirteen months, recognizing 11 months credit on that.

[27] MS. NGUYEN: Yes. And then on 00367 --

[28] THE COURT: Yes.

[29] MS. NGUYEN: -- three offences, that should be reduced to one day each given credit as outlined on that part of the spreadsheet.

[30] THE COURT: How much does that reduce the sentence?

[31] MS. NGUYEN: That would reduce the Alberta charges only by three months.

[32] THE COURT: By three months.

[33] MS. NGUYEN: Yes. And then on --

[34] THE COURT: So we are then at 14 months credit?

[35] MS. NGUYEN: No, because the Alberta charges are concurrent.

[36] THE COURT: Okay. Is there a need to reduce them?

[37] MS. NGUYEN: Otherwise he would be spending 23 months from today in on the Alberta charges.

[38] THE COURT: The Alberta charges are 60, 30, 30 --

[39] MS. NGUYEN: And 30?

[40] THE COURT: Thirty.

[41] MS. NGUYEN: Yes. So those would be reduced to one day each, with the appropriate credit for time served.

[42] THE COURT: Okay. I do not have a problem in doing that. For the concurrent charges, I am just wondering whether it is necessary to do it.

[43] MS. NGUYEN: Well, the concurrent charges, sir, the Alberta charges are concurrent to the Yukon charges --

[44] THE COURT: Right.

[45] MS. NGUYEN: -- but they are consecutive to one another the way they are laid out here.

[46] THE COURT: Okay.

[47] MS. NGUYEN: So 367, 368, and 369 should -- that is 11 months.

[48] THE COURT: Okay.

[49] MS. NGUYEN: And that should all be --

[50] THE COURT: One day.

[51] MS. NGUYEN: -- reduced to one day each with the appropriate credit for time served that is listed.

[52] THE COURT: So the difference would be time served.

[53] MS. NGUYEN: Yes.

[54] THE COURT: So 60 days jail, one day, 59 days credit.

[55] MS. NGUYEN: Yes.

[56] THE COURT: The 30 days would be one day, 29 days credit consecutive.

[57] MS. NGUYEN: Yes.

[58] THE COURT: And the following one is one day, 29 days credit concurrent.

[59] MS. NGUYEN: Yes.

[60] THE COURT: And similarly down the list.

[61] MS. NGUYEN: Yes, on 368 and 369.

[62] THE COURT: Right. So you are content that that will meet the sentencing objective that I articulated?

[63] MS. NGUYEN: Yes, and the global sentence will still be 13 months.

[64] THE COURT: Okay. And I understand that you gave Madam Clerk a copy of that, did you?

[65] MS. NGUYEN: Yes.

[66] THE COURT: Okay. The order will be amended as indicated to me by counsel.

LILLES T.C.J.