

COURT OF APPEAL FOR THE YUKON TERRITORY

Citation: ***R. v. Dibbs***,
2006 YKCA 5

Date: 20060529
Docket: CA05-YU553

Between:

Regina

Respondent

And

Stephen Dibbs

Appellant

Before: The Honourable Madam Justice Saunders
(In Chambers)

Oral Reasons for Judgment

J. Cunningham

Counsel for the Appellant

M. Cozens

Counsel for the Respondent

Place and Date:

Whitehorse, Yukon Territory
May 29, 2006

(Extension of Judicial Interim Release)

[1] SAUNDERS J.A. (Oral): This is an application for an extension of judicial interim release pending the appeal. It was thought originally that the appeal would be able to be heard on today's date, but that is impossible because the transcript, which has been ordered, has not yet been received and it is required for the appeal. So in those circumstances, it is appropriate, and Crown consenting, to extend the judicial interim release to a date not too far off. I told counsel we will find the first available date and that dates are available in Vancouver. They are prepared to hear the matter in Vancouver in July or August. We have a one week hearing in July and a one week hearing in August. I am sure counsel know that.

[2] So the extension is granted, subject to changing clause 11, which would be amended to provide: "abide by a curfew from 11:00 p.m. to 6:00 a.m., during which time he is to remain in his residence except with the prior permission of his bail supervisor". As to the surrender date, the order will stay the same as is presently is, which is paragraph 15, that is he "is to surrender himself not less than 24 hours before the hearing of the appeal".

[3] MR. COZENS: My Lady, it may be my hearing; did you indicate 11:00 p.m. or 10:00 p.m. when you spoke?

[4] THE COURT: I said 11:00 p.m., which is clause 11 as it is now.

[5] MR. COZENS: In the decision it reads from 10:00 p.m. to 6:00 a.m., in the decision of Justice Gower.

[6] THE COURT: Okay, well, there we are. Now, I have just gone off the –

[7] MR. COZENS: There was – actually the recognizance may have indicated differently.

[8] THE COURT: I was reading off the recognizance. Should it be 10 o'clock? If Mr. Justice Gower said that it should be 10:00, then it should be 10:00.

[9] MR. COZENS: Yes, I had not been aware that it was 11:00.

[10] THE COURT: Yes, he did say 10:00. Let me repeat then, that clause 11 of the terms will be, abide by a curfew from 10:00 p.m. to 6:00 a.m., during which time, et cetera, except for the prior permission of his bail supervisor. So there are two changes, one is the time and the other is the addition of the exception.

[11] MS. CUNNINGHAM: Thank you, My Lady.

[12] MR. COZENS: Thank you, My Lady.

[13] THE COURT: Thank you both.

The Honourable Madam Justice Saunders