

Citation: *R. v. Dynes*, 2013 YKTC 115

Date: 20131028
Docket: 12-01060
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: Her Honour Judge Ruddy

REGINA

v.

ROBERT STEPHEN DYNES

Appearances:
Susan Bogle
Robert Dynes

Counsel for the Territorial Crown
Appearing on his own Behalf

REASONS FOR SENTENCING

[1] RUDDY T.C.J. (Oral): Robert Stephen Dynes is before me for sentencing with respect to a single count of spousal assault occurring on January 30, 2013. It appears from the facts provided to me that there was some inappropriate behaviour on both sides of the equation on that particular day. As it relates to Mr. Dynes' behaviour, he admits to bumping into his ex-spouse as he pushed his way past her to get out of the home. They had been engaged in an argument.

[2] Mr. Dynes comes before the Court with no prior criminal record. He has stable employment in long-haul trucking, which is particularly important for me because of the impact that a conviction would have on him, as he does routinely truck into the United

States, in particular into Alaska.

[3] To his credit, he entered a guilty plea at an early opportunity, opted into the Domestic Violence Treatment Option Program and successfully completed all that was asked of him during the program. There is a very positive Enhanced Treatment Report that tells me that he successfully completed the program, that he was an active participant. It is clear from what I have read and what he has said today that he has taken a lot of positive skills away from the program, and I have no doubt he will make more positive choices from here on in.

[4] In the circumstances, I have absolutely no difficulty - as I am required to consider both Mr. Dynes' interest and the public interest in assessing whether a discharge is appropriate - I have no difficulty determining that a discharge would be in his best interest, when I consider the impact on his employment of a conviction; but I also have no difficulty in determining that it is not contrary to the public interest because of the efforts that he put into the programming.

[5] In taking responsibility and following through on what was asked of you, Mr. Dynes, you have essentially earned your way out of a conviction. I am more than satisfied a discharge is appropriate. I hereby absolutely discharge you in relation to the single count before the Court.

[6] MS. BOGLE: The only other issue would be the victim fine surcharge, Your Honour.

[7] THE COURT: All right. Means to pay. The election was -- does this

fall under the new or the old sections? What position is the Crown taking on retrospectivity?

[8] MS. BOGLE: I believe we have been directed that if the charge is laid before the amendments, it is old, the old one.

[9] THE COURT: The old, okay. We are under the old regime; I am going to waive it. A little more of a bonus for the hard work.

RUDDY T.C.J.