

Citation: *R. v. Jackson*, 2013 YKTC 41

Date: 20130510
Docket: 12-00946
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: Her Honour Judge Ruddy

REGINA

v.

WAYNE WENDELL JACKSON

Appearances:

Joanna Phillips
Nils Clarke

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] RUDDY T.C.J. (Oral): Wayne Jackson is before me for sentencing with respect to three counts of theft under and two counts of having in his possession a firearm contrary to a lifetime firearm prohibition. The first theft occurred at the Superstore where he was observed to steal meat. The other two are significantly more serious. Both occurred on January 9th; on two separate occasions Mr. Jackson was observed to steal handguns. He was subject at that time to a lifetime firearms prohibition.

[2] Mr. Jackson has an extensive related criminal record, which includes numerous prior thefts, upwards of 60 thefts, or possessions of stolen property. His last sentence for theft related matters was 120 days in jail. Prior to that he was given 15 months by me as a result of my concern for the protection of the public given his history.

[3] Mr. Jackson is now 46 years of age, a member of the Champagne-Ashihik First Nation. He has a traumatic background and a serious substance abuse issue. I am not, for the purposes of this decision, going to go through his background. I am familiar with Mr. Jackson myself because of prior matters and I have also reviewed Judge Cozens' recitation of Mr. Jackson's circumstances and background in his decision in 2011. Suffice it to say I do not have any difficulty, in light of his background, understanding how Mr. Jackson gets to where he is. Unfortunately, the results of that in terms of the impact on the community are numerous thefts and other concerns, in particular, when one is talking about the theft of firearms.

[4] There is a joint submission before me from counsel. In such circumstances, the determination for me, really, is whether or not the joint submission is appropriate as opposed to what sentence I might otherwise impose. I have no difficulty in this case accepting that the joint submission as put forward is an appropriate one in all of the circumstances, and fairly takes into consideration all of the competing issues, including Mr. Jackson's First Nation heritage.

[5] The sentences will be as follows. On each of the two thefts at Sportslodge, those are Counts 10 and 11, there will be sentences of 18 months consecutive to each other. On the two companion counts contrary to s. 117.01, there will be sentences of one year concurrent. With respect to the remaining theft, there will be a sentence of six months concurrent for a total of 36 months. There is an agreement that Mr. Jackson is entitled to six months credit for time spent in remand. That would reduce that global sentence by six months and there will be a sentence to be served of 30 months.

[6] Victim fine surcharge is waived in the circumstances. The remaining counts?

[7] MS. PHILLIPS: A stay of proceedings. I know it seems silly because he's already on two, but it is a mandatory s. 109 firearms prohibition as well.

[8] THE COURT: All right.

[9] MR. CLARKE: No issue, Your Honour.

[10] THE COURT: He is already on a lifetime one. I will give him another lifetime one. I am required by law to make a firearms prohibition because of the nature of one of the offences. It does not change the fact that you are already on one, but there will be another one.

[11] MS. PHILLIPS: Thank you, Your Honour.

[12] THE COURT: Thank you. Good luck to you, Mr. Jackson. I hope you find some of the programming that you need in the federal system.

RUDDY T.C.J.