

Citation: *R. v. Patterson*, 2011 YKTC 77

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Docket: 11-00087
11-00211
11-00464
11-04347
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: Her Honour Judge Ruddy

REGINA

v.

DEREK VINCE PATTERSON

Appearances:
Joanna Phillips
Malcolm Campbell

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] RUDDY T.C.J. (Oral): Derek Patterson is before me for sentencing with respect to seven counts contrary to the *Criminal Code*, and one contrary to the *Motor Vehicles Act*, 2002 R.S.Y. c. 153.

[2] The first offence to which he has entered a plea of guilty is a dangerous driving charge. Mr. Patterson was observed by the RCMP in the landfill area to be operating a motor vehicle with two passengers. He was known to be disqualified, which is the *Motor Vehicle* offence. The RCMP activated emergency equipment. He accelerated away from the police at approximately 100 to 120 kilometres per hour. It appears that at

times he was driving the wrong way on a one-way road and was also noted to skid. He was found an hour later, but fled on foot. There was beer found in the vehicle.

[3] He was placed on a recognizance with respect to matters that are set for trial and not before me today. He was placed on a number of conditions, including that he not attend at the residence of Crystal Stevens, that he have no contact with her without permission, and that he abide by a curfew.

[4] On June 17th, there was a complaint made to the RCMP of a domestic dispute at the residence of Ms. Stevens. When they attended, there was no one at the residence. They returned later following an additional complaint and, while Ms. Stevens was not present, they found Mr. Patterson in the home. He was uncooperative and, upon being lodged in cells, uttered threats to cause bodily harm to the jail guard.

[5] On October 1st, there was a complaint again of a dispute between Ms. Stevens and Mr. Patterson. When the RCMP attended at the residence, Ms. Stevens advised that Mr. Patterson was not present. They conducted a curfew check at the residence he was supposed to be staying at; there was no answer. They later found him at Ms. Stevens' residence in breach of the no contact and curfew provisions. I believe he was intoxicated as well, being the additional breach. He was uncooperative, to say the very least, when taken into cells.

[6] The outcome of this matter is largely determined by, ironically, the *Motor Vehicle* offence. There is an abstract that has been filed indicating that Mr. Patterson has numerous prior instances of driving while disqualified. As a result, he has been served

with notice of intention to seek greater punishment, which places me in the situation of being required to impose a sentence of six months with respect to the drive while disqualified charge, and I do so at this point in time.

[7] With respect to the remaining counts, there is a suggested breakdown of sentences given by the Crown, which would amount to a total of five months, and I take no issue with what is being suggested. I think it is appropriate in all of the circumstances.

[8] With respect to the s. 249.1, there will be a sentence of 60 days followed by a two-year driving prohibition, although I would note that information was provided that Mr. Patterson has sold his vehicle, so hopefully we will not see him again on driving offences. With respect to the first s. 145, a sentence of 30 days, and the s. 264.1 offence which arises at the same time, also a sentence of 30 days. They will be concurrent to each other but consecutive to the sentence on the s. 249.1 offence.

[9] With respect to the other two s. 145 charges and the s. 129(a), there will be sentences of 45 days on each of the s. 145 charges, and 60 days on the s. 129(a) charge. Those three are to be concurrent to each other but consecutive to the s. 249.1 offence.

[10] I should state all of these will be concurrent with the six-month jail sentence that I am required to impose with respect to the s. 266 charge, and that will be reduced by the 63 days that Mr. Patterson has spent in pre-trial custody, which gets me to 117 days. So the sentence, then, on the s. 266 will be 117 days left to be served, with credit being given for 63 days in pre-trial custody.

[11] I will waive the victim fine surcharges given his custodial status. The remaining counts?

[12] MS. PHILLIPS: Stay of proceedings.

[13] THE COURT: Thank you.

RUDDY T.C.J.