

Citation: *R. v. Quash*, 2012 YKTC 29

Date: 20120203
Docket: 11-00639
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Honour Chief Judge Cozens

REGINA

v.

BOBBY RONNY QUASH

Appearances:
Terri Nguyen
Malcolm Campbell

Counsel for the Crown
Counsel for the Defence

REASONS FOR SENTENCING

[1] COZENS C.J.T.C. (Oral): Bobby Quash has entered a guilty plea to a charge of assault under s. 266 of the *Criminal Code*.

[2] Circumstances are that while Mr. Quash was a prisoner waiting transport to Watson Lake with a number of other prisoners, he was taken to the airport with the other prisoners. He was taken out of his handcuffs in order to be put in shackles for the transport. Once his hands were removed from the handcuffs he immediately began to assault Mr. Linklater, who was sitting down and still handcuffed, punching Mr. Linklater in the head, causing him to suffer a cut lip.

[3] As a result of this incident the police officers were able to subdue Mr. Quash,

handcuff him, not put him on the plane for transport, and take him to come back into custody in Whitehorse, whereas the others were able to go down to Watson Lake and deal with what they needed to.

[4] Mr. Quash has a significant criminal history. He has two assault charges as a youth and he has two assault charges as an adult. There are sexual assault charges as well, the most recent of which he was just sentenced for in December, in conjunction with some other breach charges, to a federal sentence.

[5] Mr. Quash is 25 years old and a member of the Liard First Nation. He has been diagnosed as suffering from FASD and has been the subject of a considerably lengthy sentencing decision in 2009 (in respect of one of the sexual assault charges) regarding the struggles he has.

[6] I am mindful of the principles of sentencing here and the principles applicable to FASD offenders. The Crown is suggesting four to six months to be served concurrently to the federal sentence Mr. Quash just received, taking into account the principle of totality. Defence counsel is suggesting a period of three months.

[7] I note that for his last assaults he received in 2010, 80 days and 80 days consecutive. There will be a sentence of four months to be served concurrent to the sentences that were imposed on December 15, 2011.

[8] I will waive the victim fine surcharge.