

Citation: *R. v. Quock*, 2008 YKTC 32

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Docket: T.C. 07-00026  
07-00026A  
07-00407B  
07-00503  
Registry: Whitehorse

**IN THE TERRITORIAL COURT OF YUKON**  
Before: His Worship Justice of the Peace Cameron

**REGINA**

v.

**KENNETH BLAINE QUOCK**

Appearances:  
Edith Campbell  
Jamie Van Wart

Counsel for Crown  
Counsel for Defence

**REASONS FOR SENTENCING**

[1] CAMERON J.P.T.C. (Oral): Mr. Quock pled guilty to two counts under s. 145, one count under s. 175, one count under s. 266, one count under s. 267, and one count under s. 4(1) of the *Controlled Drug and Substances Act*.

[2] Chronologically, the facts presented are that on March 15th of last year Mr. Quock, while subject to investigation, was found to be in possession of 20 rocks of crack cocaine. In that regard, he was released on a promise to appear and was required to attend court on May 2nd of last year and he failed to make that appearance.

[3] September 15th of last year, Mr. Quock encountered one Travis Johnnie on Main Street. Mr. Johnnie was hanging out on Main Street; he had been drinking, he was hanging out with some friends. He observed Mr. Quock take a sweater from another individual and, in fact, observed a girl trying to take the sweater back, at which time he saw Mr. Quock strike the girl. He intervened in a manner that resulted in Mr. Quock punching him twice. He tripped and knocked him down, and then he continued to kick him in the head area several times, resulting in a number of bruises. However, of significance was a split to the forehead that required stitches on Mr. Johnnie.

[4] On September 22nd, Mr. Quock, along with Mr. Bill, attended a house and entered the home uninvited. They were both belligerent, and were asked to leave several times. They continued to basically, cause a disturbance there. They were both very intoxicated. As they were leaving, two other individuals arrived, Mr. Kuster and Mr. Whelan. They got in a confrontation with Mr. Kuster and Mr. Whelan, kept egging them on for a fight. Eventually, they started pushing, kicking at each other, wrestling and ultimately Mr. Kuster and Mr. Whelan were chased away by Mr. Quock and the co-accused throwing rocks in their direction. Again, he was released on promise to appear requiring his attendance November 21st and he failed to make that attendance.

[5] Over this past year he has spent a number of days in custody, totalling approximately three and a half months, which at one and a half to one credit would equate five months. Mr. Quock has a criminal history, shows three prior violence related offences and nine prior process related offences. His last conviction, however, on his record is from 2004. There is a rather significant pre-sentence report that has been tendered. It indicates that Mr. Quock continues to battle ongoing substance abuse

issues and that he continues to be at a very high risk to re-offend, according to the LSI. It is also clear that he does not do well on conditions.

[6] Crown is seeking a global sentence in the range of 12 months. Defence is indicating that Mr. Quock himself has indicated that perhaps six to eight months is what he feels would be more appropriate. Mr. Quock has been attending AA while at WCC and appears to have been behaving well and has conducted himself appropriately. By entering these guilty pleas he certainly takes responsibility for the offences.

[7] Perhaps, Mr. Quock, if there was a chance that probation would be of value to you, then your suggested range of sentence might be appropriate, but certainly the history shows that probation is not of any value to you. It basically sets you up for further offences, be it breaches or whatever. As such, I believe that the Crown's range is appropriate to be coupled with no probation.

[8] I am going to impose the following: For the s. 267 it will be a six month jail term. For the s. 266 there will be one month consecutive. For the s. 175 there will be one month concurrent. For the possession of the cocaine there will be three months indicated, Madam Clerk, as time served. For each of the failing to attend court there will be one month in each case, indicated as time served. That means there will be an additional seven months you have to serve, Mr. Quock.

[9] There will be no probation to follow. Attached to the s. 267 you will be required to provide samples of your DNA for the DNA bank. In regards to the consideration of a firearms prohibition, it is not considered necessary at this particular time as there was no indication of firearms suggested and/or used, and given that Mr. Quock will be

incarcerated for the next period of time, the victim fine surcharge on all counts will be waived.

[10] Remaining charges in regards to Mr. Quock?

[11] MS. PAQUIN: The Crown will ask that they be stayed, Your  
Worship.

[12] THE COURT: Outstanding charges are stayed.

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CAMERON J.P.T.C.