

Publication of information that could disclose
the identity of the complainant or witness has been
prohibited pursuant to s. 486(4.1) of the Criminal Code.

Date: 20030827
Docket No.: S.C. 02-00541A,
01-00668C
Registry: Whitehorse

R. v. Sharp, 2003 YKSC 48

IN THE SUPREME COURT OF THE YUKON TERRITORY

BETWEEN:

HER MAJESTY THE QUEEN

AND:

THOMAS PAUL SHARP

Edward Horembala, Q.C.
John Phelps

For the Crown

Gordon Coffin

For the Defence

**MEMORANDUM OF RULING
DELIVERED FROM THE BENCH**

[1] VEALE J. (Oral): Well, relying on the evidence obtained in Corporal Campbell's affidavit, and I am speaking of the report of the incident of October 29, 2002 and the decision of Justice Hudson, as well as the submissions by both counsel in this matter, in my view, it is a matter of security and safety of court room personnel. There are a number of witness to be called.

[2] The trial should proceed as expeditiously as possible, without interruption. I find it appropriate, based on my inherent jurisdiction to have a safe and secure proceeding, that Mr. Sharp be manacled and shackled and there be two R.C.M.P. officers beside him in the courtroom, as well as plain clothes R.C.M.P. officers in the

courtroom.

[3] That is my decision, Mr. Coffin, and I believe there is substantial evidence before the court to warrant it. You need not be concerned about its impact on myself. It would certainly be a stronger matter if there were a jury involved, but in this situation it will not affect my judgment of the evidence.

[4] You should communicate that to Mr. Sharp in the event he wishes to make a further application with respect to whether he be involved or present at the proceeding. I would certainly encourage him to be present at the proceeding. Given the application he made this morning and his previous conduct, I think it is something that you should raise with him.

[5] MR. COFFIN: Yes.

[6] MR. HOREMBALA: For clarification, My Lord, I also requested and wish to make reference that he be in the prisoner's docket?

[7] THE COURT: I include that in the order, Mr. Horembala.

VEALE J.