

Citation: *R. v. Trenerry & John*, 2004 YKTC 33

Date: 20020619
Docket: 02-00125
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Worship Justice Of The Peace Cameron

REGINA

V.
THOMAS JOHN TRENERRY and
ERIC LOGAN JOHN

Appearances:
Kevin Drolet
John Anton
Gordon Coffin

Appearing for Crown
Appearing for Thomas Trenerry
Appearing for Eric John

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): Mr. John and Mr. Trenerry have each pled guilty to one count of s. 354 and one count of s. 145(1). With regards to Mr. John's situation, Mr. John was convicted for some offences back in March. At that time he was sentenced to an additional 14 months over his five months of pre-trial custody. On May 26, given an opportunity, he jumped the fence at WCC and fled.

[2] Mr. Trenerry's conviction was registered on May 8th. At that time he was convicted and sentenced to 108 days custody. Again, on May 26th, while working in conjunction with Mr. John in garbage cleanup, jumped the fence and fled.

[3] Their flight took them on down the Yukon River to a property owned by a local doctor. On that property they found an ATV, apparently with the keys in it. They chose that was a better way than to carry on walking and took the ATV. They abandoned the ATV somewhat north of town when it ran out of gas.

[4] The two of them did make their way on to Ross River, remained at large for some four days, and then voluntarily turned themselves in.

[5] Mr. John, as a young man, has a very lengthy record, numerous property offences, but of perhaps greater significance, there is quite a number of prior escapes.

[6] Mr. Trenerry has not as lengthy of a record, although it is a serious one; has four property convictions and three process convictions.

[7] I am, in a sense, presented with a joint submission, with Crown and defence in agreement; Crown seeking sentence of 60 and 30 days for Mr. John, 45 and 15 days for Mr. Trenerry. Both individuals have been in custody now for approximately three weeks.

[8] Given the circumstances that were presented in the case of *R. v. Paquette*, a similar case of escape whereupon the individual was at large for about three days and eventually did turn themselves back in and received four months for that particular escape. My initial tendency was to believe that this joint submission was perhaps a touch light. But if I do allow for the pre-sentence remand time on each of the individuals, it does put us into the realm where I feel it would probably be the appropriate sentence. As such I am going to endorse the joint submission in both cases.

[9] Mr. John, you are sentenced, for your escape, to 60 days additional to your

existing time, and for the possession of the ATV, 30 days consecutive to that time.
So, an additional 90 days.

[10] Mr. Trenerry, you are sentenced, for your escape, to an additional 45 days,
and for your involvement and the possession, an additional 15 days, consecutive.

[11] Both individuals, given that they will be in custody for some time, will have the
victim fine surcharge waived on all counts.

CAMERON J.P.T.C.