

CANADA / JUDGMENT

R. v. Jarvis

2021 BCSC 612

COURT

Supreme Court of British Columbia

DECIDED

29 January 2021

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2021 BCSC 612 R. v. Jarvis IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Jarvis, 2021 BCSC 612 Date: 20210129 Docket: 90914-2 Registry: Kelowna Regina v. Jonathan Graham Jarvis Before: The Honourable Mr. Justice S. Wilson Oral Reasons for Sentence Counsel for the Crown appearing by teleconference: J. Hatherly Counsel for the Accused: J. Dosanjh Place and Date of Trial/Hearing: Kelowna, B.C. January 29, 2021 Place and Date of Judgment: Kelowna, B.C. January 29, 2021

- [1] THE COURT: Mr. Jarvis has pleaded guilty to a robbery that occurred on the 8th day of August, 2017. At that time, Mr. Jarvis was a party to a robbery that involved at least two individuals, one of whom entered into the Subway restaurant at 1740 Springfield Road in Kelowna and, using an imitation handgun, demanded that the till be handed over. The person went into the store then left the store and went to a van that was waiting. Mr. Jarvis was subsequently arrested because the vehicle had a licence plate consistent with a vehicle that he owned.
- [2] The parties made a joint submission with regard to Mr. Jarvis' sentence for the Court's consideration.
- [3] The circumstances of Mr. Jarvis are unfortunate and not inconsistent with the sorts of cases that we routinely see in this Court. Mr. Jarvis is currently 38 years of age and has a grade 12 education. His background includes addictions and mental health issues. His criminal record is lengthy, but it is consistent with the criminal record of a person who is addicted to drugs, that is a prevalence of property related offences. There are a couple of crimes of violence, but for the most part, his criminal record is related to property offences.
- [4] I am told that his addiction is to heroin which followed from a prescription of Percocet. He has been in custody now since 2018 and has been involved in the methadone program while in custody.

- [5] The circumstances in this case which lead to the joint submission are based upon the mitigating factors that were explained to me by both counsel. First and of significant importance in any joint submission following the guilty plea is consideration of the guilty plea itself. The guilty plea, I am told, in this case is a true compromise of the parties' positions simply because this was going to be a very difficult case for the Crown to prove.
- [6] Mr. Jarvis was involved in the offence and has admitted his guilt. However, had this case proceeded to trial, it would have been primarily a circumstantial case. The fact that this was set for a jury trial, with all the requisite cost and efforts that are required particularly during this pandemic to put into place and run a jury trial, is something of significance when considering the plea.
- [7] Mr. Jarvis advises through counsel that he is remorseful for what has happened. The positive steps that he has taken since incarceration are, frankly, very impressive in this case. He has participated in a substantial number of programs through the institutions. I do not intend to review them in any detail, but the fact that I am not doing so does not limit or suggest that they are not significant. One of the programs was a four-month program that involved twice-a-day attendance. He has also managed to complete his Dogwood grade 12 while in the institution; not only successfully completing it himself, but tutoring others as they attempt to do the same thing.
- [8] Whenever someone seeks some leniency and the underlying offences were fueled by a drug addiction, consideration needs to be given to whether this person has truly moved on from that lifestyle and has made genuine efforts to deal with the underlying addiction issue. From what I have read and from what I have heard, this appears to be the case with Mr. Jarvis. Obviously, there are never any guarantees in life, but it appears that Mr. Jarvis has done everything he could possibly do to try to ensure that he rids himself of his addiction so that he can move forward with his life.
- [9] So the steps that he has taken, frankly, are most impressive. It is good to see that he has an offer of employment when he completes whatever sentence is given to him. He has strong family support. It also appears that the members of the family who have written letters to support him not only are offering their support, their letters contain sufficient information to show that they actually understand what it is that is going to be required to give Mr. Jarvis the support he will need in order to move forward with his life in a prosocial way and become a productive member of society.
- [10] The normal range of sentence in a robbery case is between two and nine years. Clearly, in this case, it is his first conviction for robbery, but he was likely the less culpable of the parties who were involved, but nonetheless, this type of offence is of great concern to the community and, obviously, can be very terrifying for those who are the victims of it.

- [11] That said, I am satisfied with the proposed sentence in this case given the steps that have been taken by Mr. Jarvis since his incarceration. I am prepared to accept the joint submission; that is, I am satisfied that it would not bring the administration of justice into disrepute if the proposed jointly submitted sentence were made and it would not be contrary to the public interest. As such, I will confirm the joint submission and the terms of Mr. Jarvis' sentence are therefore as follows.
- [12] Mr. Jarvis will serve nine months in jail which will be consecutive to whatever sentence he currently has.
- [13] He will also then be on probation for a period of 12 months. The probation will not be supervised, but will include two terms:
- a) first, 2002 from the Picklist, there will be no contact with the three victims who were the employees at the Subway location; and
 - b) second, he is not to attend at 1740 Springfield Road in Kelowna which is the Subway restaurant location.
- [14] Although one would normally expect to see other orders that would form a part of the release, when Mr. Jarvis is released, he will be bound by a parole order and that parole order will presumably be very specifically tailored to Mr. Jarvis' circumstances.
- [15] There will also be three ancillary orders which are jointly also part of the submission:
- a) there will be a weapons prohibition pursuant to s. 109(2);
 - b) there will be a DNA order; and
 - c) the imitation firearm that was used in the robbery will be forfeited.
- [16] Is there anything else I need to deal with?
- [17] HATHERLY: My Lord, thank you, Hatherly speaking, I am directing a stay of proceedings to Count 2 on the indictment --
- [18] THE COURT: All right.
- [19] HATHERLY: -- and I believe that concludes the matter.
- [20] THE COURT: All right. There will be a stay of Count 2. Anything else, Mr. Dosanjh?
- [21] DOSANJH: Yes, My Lord, if at this point we can vacate both the trial dates on March 8 for days and the jury selection dates on March 4th and 6th.
- [22] HATHERLY: Thank you, my friend, for that.
- [23] THE COURT: Yes. All right. So that is the sentence.
- [24] DOSANJH: Thank you, My Lord.

- [25] THE COURT: Thank you. All the best, sir.
- [26] HATHERLY: All right.
- [27] THE ACCUSED: Thank you very much, Your Honour.
- [28] DOSANJH: Thank you.
- [29] THE CLERK: Order in court. Did we attach exhibit numbers to the certificates and letters?
- [30] THE COURT: They can just be a single bundle.
- [31] THE CLERK: Exhibit 2?
- [32] THE COURT: Because the JUSTIN conviction was number one.
- [33] THE CLERK: Thank you.
- [34] HATHERLY: Oh, My Lord.
- [35] THE COURT: Thank you.
- [36] HATHERLY: Are we still on the record?
- [37] THE COURT: I am still here.
- [38] THE CLERK: Yes, we are.
- [39] THE COURT: Yes.
- [40] HATHERLY: My Lord, I do not know if we addressed the length of the weapons prohibition.
- [41] THE COURT: Oh, no, we did not.
- [42] HATHERLY: There is a minimum length of 10 years and that is what I would recommend.
- [43] THE COURT: Yes, 10 years on the weapons prohibition --
- [44] HATHERLY: Thank you, My Lord.
- [45] THE COURT: -- and just to be clear on the record, the bundle of certificates and letters will be marked as Exhibit 2 on the sentencing hearing.
- [46] HATHERLY: Thank you, My Lord.
- [47] THE COURT: Thank you. "Wilson J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/21/06/2021BCSC0612.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-jarvis-2021>

Prepared on 26 October 2026 · Esheria