

CANADA / JUDGMENT

R. v. Rose

2013 BCSC 1192

COURT

Supreme Court of British Columbia

DECIDED

14 June 2013

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2013 BCSC 1192 R. v. Rose IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Rose, 2013 BCSC 1192 Date: 20130614 Docket: 59870 Registry: Chilliwack Between: Regina v. Clint Warren Rose Before: The Honourable Mr. Justice N. Brown Oral Reasons for Sentence Counsel for the Crown: J.S. Barbour Counsel for the Accused: J.P.A. Reveley Place and Date of Hearing: Chilliwack, B.C. June 14, 2013 Place and Date of Sentence: Chilliwack, B.C. June 14, 2013

- [1] THE COURT: Mr. Rose, per the circumstances as related by Crown counsel with respect to the stolen van and the events that occurred August 3, 2011, I have had regard to your record, and I am going to accept the joint submission and recommendations of Crown counsel and Mr. Reveley, your counsel representing you here today, .
- [2] I see that you are 36 years of age, that you grew up in Mission, and that you have a Grade 10 education. You are highly employable, I understand, and you have been working in Alberta. You have plans to take upgrading courses and to work with Federal Metals in Alberta on your release; but I suppose that will depend on what happens in your trial pending in Alberta.
- [3] I am looking at your record. I understand you have an addiction to methamphetamines. Your developing criminal record now fairly lengthy, prophesizes, if I could put it that way, the onset of a criminal mindset. I realize you have cleared the deck, so to speak, of your pending criminal matters in Alberta before you can begin earnestly to turn your life around. I understand, however, that you have taken advantage of all the education made available to you while in prison.
- [4] I do not know if judges' comments to people being sentenced make much difference in their lives, although I have had a persons I have sentenced appear before me for some reason, such as varying a bail provision. They had turned their life around. They said what they heard said to them on their sentence got through to them. Like them, you have to choose; either for the side of the law and a productive law abiding life; or for the dark side, stealing and cheating people out of their hard-earned earnings.
- [5] I do not know anything about the van, but it belonged to somebody, not you. People are hurt when their possessions are stolen. I understand your family is supporting you. They must see you have a moral fiber.

- [6] It could be argued your sentence is light, considering your record. But I have heard enough to merit in counsel's submissions and I accepted their recommendations.
- [7] I encourage you to some deep and serious soul-searching and thinking about where you have been and where will end up if you keep on this path. Nobody admires criminals. Nobody does. Please the people that care about you and that you want to respect you, not those who will lead you down a pathway that will disappoint them and harm your future.
- [8] Therefore, I sentence you to five months concurrent without probation. I am not ordering probation because I think that can perhaps be best addressed in your pending matter. I agree with counsel's comment and I am not quick to order drug and alcohol conditions in circumstances where the offender is addicted. Strict conditions on alcohol or drug use may set you up for breaches and failure. The important thing is that you overcome your addiction through drug counselling. The judge in your next sentencing hearing may order that. Further, Crown counsel advices that you are already placed on conditions, so that should be enough for now.
- [9] So, on the positive side, I wish you well, and urge you to take seriously what I have said to you, not intended as a lecture but to remind you of the realities of your life and where you will end up if you don't start listening to people who want to see you live a productive law-abiding life. You are a 36-year-old man now; choose.
- [10] MR. BARBOUR: The DNA order, My Lord?
- [11] THE COURT: Yes, I am satisfied it is in the interests of the community and, given Mr. Roes's record and the circumstances, there should be a DNA order pursuant to s. 487.051.
- [12] MR. BARBOUR: Thank you. Just for clarification it is concurrent with respect to Count 1 and Count 2 -
- [13] THE COURT: Yes.
- [14] MR. BARBOUR: -- because we are going to be dealing with the files this afternoon in another Court.
- [15] THE COURT: Yes.
- [16] MR. BARBOUR: Just for the record. Thank you.
- [17] THE COURT: It is concurrent on Counts 1 and 2. "N. Brown J."

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