

CANADA / JUDGMENT

R. v. Saunders

2019 BCSC 1889

COURT

Supreme Court of British Columbia

DECIDED

3 July 2019

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

2019 BCSC 1889 R. v. Saunders IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Saunders, 2019 BCSC 1889 Date: 20190703 Docket: 106508-2 Registry: Kamloops Regina v. Walter George Saunders Before: The Honourable Mr. Justice G.P. Weatherill Oral Reasons for Sentence Counsel for Crown: N. Flanagan Counsel for Defence: S. Tate Place and Date of Trial/Hearing: Kamloops, B.C. July 3, 2019 Place and Date of Judgment: Kamloops, B.C. July 3, 2019

- [1] THE COURT: Mr. Saunders, you are age 60 and you are before me for sentencing this morning having pled guilty to four offences, in an eight-count Indictment.
- [2] Two of the offences relate to the theft of a truck. You admit stealing the truck from Chilliwack, B.C., driving it to Merritt, B.C. and then using it to break into the back area of the Kal Tire storage lot in Merritt and steal some tire rims.
- [3] A third offence relates to you having tools or other instruments suitable for breaking and entering in your possession, contrary to the terms of your probation order.
- [4] A fourth offence relates to you obstructing a peace officer by providing the officer a false name.
- [5] All of these offences arise out of events that occurred on or about November 7, 2018.
- [6] Specifically, you have pled guilty to (i) stealing tire rims from Kal Tire, contrary to s. 334 of the Criminal Code (Count 1); (ii) breaching a probation order made by Justice Devlin by having in your possession tools suitable for breaking into anything, contrary to s. 733.1(1) of the Code (Count 3); (iii) resisting or wilfully obstructing Constable Davey, a peace officer, contrary to s. 129(a) of the Code (Count 4); and (iv) stealing a 1990 Dodge pickup truck owned by a person named Damien Boucher, contrary to s. 334 of the Code (Count 7).
- [7] By way of brief background, on October 16, 2018, you entered a guilty plea to breaking and entering and you received a sentence of 221 days' time served and three years' probation. The hope was, Mr. Saunders, that you would do well at a place that you had arranged to live in, a place called Barb and Wendy's Transitional House. Initially, it seems the plan was working. You were working well with staff in a supervisory role until you broke one of the house rules by allowing a person into the facility who should not have been there. As a

result, you were asked to leave the Transitional House.

- [8] On November 7, 2018, you stole the Dodge truck, drove it to Merritt, where your son lives.
- [9] At around 11 o'clock p.m. that day activity was observed behind a Kal Tire store. A security guard saw a person running away, noted that a fence was cut, tire rims were missing and called the police who, during their investigation observed the stolen truck with a trailer attached, parked at a nearby hotel. The officers heard some clanging noise that sounded like steel on steel, noted some tire rims in plain view under the truck's canopy. The officers engaged you about the truck and the tire rims and you gave them a false name. The RCMP eventually tracked down your correct name and you were arrested. You have been in custody since then.
- [10] Mr. Saunders, you have entered an early guilty plea with no hearings of any kind having yet been conducted before today. No witnesses have been inconvenienced. The Crown advised that it has known for some time that a guilty plea would be entered today and has taken the appropriate steps. I consider that to be a mitigating circumstance.
- [11] By way of aggravating circumstances, Mr. Saunders, you have a lengthy and concerning criminal record, including convictions going back to the 1979 timeframe. There have been very few years since 1979 where you have not been either convicted of or found guilty of some offence, including seven convictions for break and entering and 16 convictions for possession of stolen property. You have been sentenced for up to two years for those various offences. During sentencing submissions this morning, you were referred to as a career criminal.
- [12] You have been in custody on the present charges at the Kamloops Regional Correctional Center since your arrest on November 7, 2018 serving the equivalent of 359 days, including credit of one-and-a-half times. I am advised that you have done very well in custody. It sounds like you have been a model prisoner, completing some 48 different CORE courses (which I understand is quite unusual), and you have been accepted and have participated in a program called The Right Living Unit. I am told that you are one of eight prisoners out of an inmate population of over 200, to have been invited into that program, and, by all accounts, you are making positive strides in your pro-social development and you are making positive contributions to the program. Additionally, you continue to take weekly cognitive behavioural therapy.
- [13] Mr. Saunders, both Crown and Mr. Tate, with admirable succinctness, have suggested a sentencing range for these offences. Crown seeks a sentence of 18 months, or 181 days, broken down as follows: Count 1: 18 months; Count 7: 18 months; Counts 3 and 4: six months each. All sentences to be served concurrently. Crown also asks that I impose an 18-month period of probation upon your release, with various conditions, such as conditions for reporting, a residency condition, counselling, a weapons ban, and a ban from possessing tools for breaking and entering.

- [14] On your behalf, Mr. Tate submits that, save for the positive strides you have made since being incarcerated at KRCC, the sentence proposed by the Crown would be fit and proper. However, given your accomplishments since your incarceration including your efforts to change your life around towards making positive strides towards becoming a contributing member of society, he says a sentence of one year or time served is appropriate.
- [15] In my view, given what I have heard and, in particular, what I have heard from you, Mr. Saunders, the Right Living Unit is where you should remain for the time being. You told me that you are not ready to leave incarceration. You admit that you would like to stay at the Right Living Community Unit, and that you would like to continue along your current path so that you will be ready for positive direction in life upon your release. You agree that you have to be held accountable and take responsibility for your actions. You stated that your prior habit of relying on what you referred to as the "poor me syndrome," where you blamed everyone but yourself for your conduct and behaviour, is over. I have to say, Mr. Saunders, that your comments were refreshingly candid.
- [16] I am mindful of the principles of sentencing. I am mindful of the principles of rehabilitation and restraint. Taking into account those principles, including denunciation and deterrence, taking into account the circumstances of this case, including, Mr. Saunders, your positive steps towards rehabilitation, and giving you the benefit of all the restraint I can, I consider that a period of incarceration of 12 months would be the fit and proper sentence for you for these offences, all of which are to be served concurrently.
- [17] So, I sentence you on Count 1 to 12 months' incarceration, on Count 7, to 12 months' incarceration; on Count 3, to six months' incarceration and on Count 4, to six months' incarceration, all to be served concurrently.
- [18] There will also be an order upon your release that you be placed on probation for a period of 18 months. In addition to the usual orders, there will be the probation conditions suggested by the Crown: a condition of reporting, and that is pick list number 2014; a residency condition, pick list number 2201; a provision that you continue your counselling with an approved counsellor, condition number 2501; a condition that there be a weapons ban. You are not to be in possession of any weapons -- for what period of time, Crown -- Mr. Flanagan? Is that a 10-year weapons ban?
- [19] MR. FLANAGAN: I am just asking that it be a condition of his probation --
- [20] THE COURT: Oh, okay.
- [21] MR. FLANAGAN: -- My Lord, yes.
- [22] THE COURT: Not to be in possession of any weapons during the period of your probation, that is pick list number 2601; and not to be in possession of any tools that are capable of breaking into anything, that is pick list number 2617.

- [23] So, Mr. Saunders, keep up the good work. You are age 60 now. That is -- you are six-tenths of the way there, so now is the time to turn your life around. You have 30 or 40 good years left in you.
- [24] MR. FLANAGAN: My Lord, just to clarify, can you indicate the amount of new time Mr. Saunders will be serving?
- [25] MR. TATE: I think my friend is confus --
- [26] THE COURT: Well, that is 12 months new time.
- [27] MR. FLANAGAN: I am sorry?
- [28] THE COURT: I meant to say 12 months new time.
- [29] MR. FLANAGAN: New time. I understood --
- [30] THE COURT: You asked for 18 months new time. I -- in my view, 12 months new time is what is required. He can continue in the program.
- [31] MR. FLANAGAN: My Lord, I think -- and perhaps I was not clear enough. What I was suggesting was an effective sentence of 18 months. If given credit for the time served, the time that I was suggesting, he has yet to serve, is 181 days. Not 12 new months, but rather 181 days.
- [32] THE COURT: I thought you were asking for 18 months new time.
- [33] MR. FLANAGAN: No, no. That -- when I say "effective sentence," My Lord, my intention was that the sentence imposed -- I will use the numbers that we were using. That the sentence imposed would be 540 days, that he would be given credit for 359 days, that is the time served, which means he would have a hundred and --
- [34] THE COURT: Eighty-one days.
- [35] MR. FLANAGAN: -- eighty-one new days. A hundred and eighty-one new days, which is just a little over six months.
- [36] THE COURT: Six months more. All right. I see.
- [37] MR. FLANAGAN: So it is -- it would be just a little over six months new time, but I do not want to confuse this further. It would be 181 days new time.
- [38] THE COURT: Which is six months.
- [39] MR. FLANAGAN: Which is about six months.
- [40] THE COURT: All right. I am sorry. I got that wrong.
- [41] MR. FLANAGAN: Oh.
- [42] THE COURT: I misunderstood you. I do not think you got it wrong.

- [43] MR. FLANAGAN: That is very generous. Well, if you want to just make it simple, and it is a bit of a break for Mr. Saunders, why do we not say six months new time?
- [44] THE COURT: So six months new time, which would be -- he has 18 months in already.
- [45] MR. FLANAGAN: He has the equivalent of 359 days in. Well, let us give --
- [46] MR. TATE: I think the simplest thing, My Lord --
- [47] MR. FLANAGAN: Yes.
- [48] MR. TATE: -- is for you to impose the 18 months on Counts 1 and 7, as requested, which would be reduced then to six months remaining, giving him credit for 12 months.
- [49] MR. FLANAGAN: Yes.
- [50] THE COURT: All right. Let us do that.
- [51] THE COURT: So, Madam Clerk -- Mr. Saunders, my apologies -- that is what the sentence will be. Eighteen months on Counts 1 and Count 7; six months on each of Counts 3 and 4, all of which will run concurrently. The effective new time then will be six months.
- [52] MR. FLANAGAN: And he is getting credit for 12, and the record will reflect that.
- [53] THE COURT: All right. Does that clear things up? My apologies.
- [54] MR. TATE: Yes, thank you, My Lord.
- [55] MR. FLANAGAN: Yes, thank you very much, My Lord.
- [56] THE COURT: Carry on the good work, Mr. Saunders.
- [57] MR. FLANAGAN: And I do now direct a stay in respect of Counts two, five, six, and eight, Madam Clerk.
- [58] THE CLERK: Yes. Thank you.
- [59] THE CLERK: And, My Lord, may I just confirm for the reporting condition, will it be within two business days after his release?
- [60] THE COURT: Yes.
- [61] THE CLERK: Thank you.
- [62] MR. FLANAGAN: And thank you, My Lord.
- [63] THE COURT: Thank you, both.
- [64] MR. TATE: Thank you, My Lord. "G.P. Weatherill 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/19/18/2019BCSC1889.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-saunders-2019>

Prepared on 26 October 2026 · Esheria