

CANADA / JUDGMENT

R .v. Wilson

2016 BCSC 203

COURT

Supreme Court of British Columbia

DECIDED

20 January 2016

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2016 BCSC 203 R. v. Wilson IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. Wilson, 2016 BCSC 203 Date: 20160120 Docket: 41782-2 Registry: Prince George Regina v. Brent Lane Wilson Before: The Honourable Mr. Justice R.S. Tindale Oral Reasons for Sentence Counsel for the Crown: T. Bauman Counsel for the Accused: F. Fatt Place and Date of Hearing: Prince George, B.C. January 20, 2016 Place and Date of Sentence: Prince George, B.C. January 20, 2016

- [1] THE COURT: Mr. Brent Lane Wilson, on Indictment 41782-2, has entered a plea of guilty on Count 2 to common assault, pursuant to s. 266 of the Criminal Code. He has also entered a plea of guilty to Count 3 which is charge that on or about May 3rd, 2015 at or near Prince George, in the Province of British Columbia, he did use a firearm or an imitation of a firearm while committing an offence or attempting to commit an indictable offence, contrary to s. 85 of the Criminal Code.
- [2] The circumstances surrounding Mr. Wilson's arrest on May 3rd, 2015 are that he and his common law spouse, Brittany Lolly, were staying at the Queensway Court Motel which is located at 1616 Queensway Street in the City of Prince George and became embroiled in a dispute with the manager and owner of that property, Mr. Won. Mr. Won felt that Mr. Wilson had taken some surveillance equipment.
- [3] There was a struggle that ensued. Mr. Won pushed Mr. Wilson out of the office. Mr. Wilson took a couple of swings at Mr. Won and then very foolishly and really without any explanation, pulled out a Crosman 357 pellet gun and waved that around, causing considerable concern obviously by Mr. Won, the police and the community. Quite frankly, Mr. Wilson I am sure realizes it is lucky he was not shot on that day given the response of the police.
- [4] In any event, he has pled guilty to those offences. It is a joint submission for one year time served. There is a mandatory minimum penalty of one year on Count 3. Mr. Wilson has been in custody since May 3rd, 2015 which is a little over eight months which given the principles in R. v. Summers would give him a little over one year of pre-trial detention credit. Also, the joint submissions include a probation order for 18 months with conditions.

- [5] Mr. Wilson has a lengthy record with convictions for assault and theft-related convictions. I am told by Mr. Fatt, counsel for Mr. Wilson, that he was born November 20, 1990 in the Burns Lake area. He was raised initially by his grandparents and then left school in Grade 2, lived with his aunt and uncle for a period of time where he was beaten and locked in a closet. He went into foster care, and in his own words, describes it as they forgot about him. He has been a victim, as well, of being sexually assaulted. As Mr. Fatt describes it, he had a horrific childhood.
- [6] Mr. Fatt indicates that while in custody on remand, Mr. Wilson has completed a number of programs including a substance abuse management program, an orientation and a skills program, a healthy relationships skills program, a nutrition skills program, another healthy relationships skills program, a program called "Learn to Learn for Life" and a communication skills program as well as other programs that Mr. Wilson has told me about here today.
- [7] Madam Clerk, we will mark the package of photocopies of the certificates of Mr. Wilson as the next Exhibit 2 collectively on sentencing.
- [8] I will start I will start with Count 3. There is a minimum of one year in jail required. Mr. Wilson certainly has been in custody for over eight months and is entitled to credit for 12 months. So I will accede to the joint submission. There will be one year on Count 3, time served to be followed by 18 months probation with the following conditions.
- [9] First sir, you shall keep the peace and be of good behaviour.
- [10] Second, you will appear before the Court when required to do so by the Court.
- [11] Third, you shall notify the Court or the probation officer in advance of any change of name or address and promptly notify the Court or the probation officer of any change of employment or occupation.
- [12] Within 24 hours after being released from custody you shall report in person to the probation office located at 101 - 250 George Street, Prince George, B.C. and after that you shall report as and when directed by the probation officer.
- [13] When first reporting to the probation officer you shall inform him of your present residential address and phone number and you shall not change your address or phone number at any time without first providing written notice to the probation officer.
- [14] The next condition will be that you shall have no contact or communication directly or indirectly with the victim, Soo Hyun Won in this matter.
- [15] Also, you shall not attend at the Queensway Court Motel located at 1616 Queensway Street in the City of Prince George, Province of British Columbia, or be within 100 metres of that location.
- [16] You shall not possess any weapon as defined in s. 2 of the Criminal Code.

- [17] You shall not possess any knife outside of your residence except for the immediate preparation or eating of food or for purposes directly and immediately related to your employment.
- [18] Also, with regard to Count 3, I will make an order pursuant to s. 109 of the Criminal Code that you are prohibited from possessing any firearm, crossbow, restricted weapon, prohibited weapon, prohibited device, ammunition, prohibited ammunition, explosive substance for life.
- [19] I also make an order that the pellet gun that was seized by the police in this matter be forfeited to the Crown for destruction.
- [20] Mr. Bauman, is this a primary or a secondary designated offence for the DNA?
- [21] MR. BAUMAN: That is a good question. I know that --
- [22] THE COURT: I think it is primary. I think section -
- [23] MR. BAUMAN: -- 266 is discretionary, but I think 85 makes it apply here.
- [24] THE COURT: I find it is primary. In any event, I am going to make a DNA order on Count 3. So, pursuant to s. 487.051 of the Criminal Code, I am making an order in Form 5.03 authorizing the taking of the number of samples of bodily substances by any peace officer for the Province of British Columbia that is reasonably required for the purpose of forensic DNA analysis and registration in the National DNA Databank.
- [25] Do you understand the conditions of the probation, sir?
- [26] THE ACCUSED: Yes.
- [27] THE COURT: All right. So, with regard to Count 3, that will be the sentence. On Count 2, given the record I am going to sentence you to 30 days custody, however, that will be concurrent. Sorry, I cannot do that. Thirty days will be concurrent to the time served, so one day.
- [28] THE ACCUSED: Thanks a lot.
- [29] THE COURT: All right. Thank you. "R.S. Tindale, J."

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