

Handout: Case Study: R. v. J.H.



The Facts

J.H. was charged with two counts of breaching his probation. The charges involved breaching a no-contact order and breaking curfew. His criminal history included guilty findings for assault, possession of stolen property, theft of a motor vehicle, and breach of probation. Some of the previous offences took place while the young person was already on probation.

J.H. pled guilty to the two breach charges but maintained he didn't do anything wrong when he had contact with the other young person and that his curfew breach was simply because he had fallen asleep at his girlfriend's house.

His pre-sentence report indicated that he had dropped out of high school and had issues with alcohol and drugs. He had enrolled in an adult basic education program, was working part-time and had begun seeing an addictions counsellor. However, he had missed his last addictions appointment and his counsellor was concerned about his level of motivation. His parents remained supportive and attributed his behaviour to the crowd he hung out with and his drug use.

The Decision

J.H. was sentenced to a total of 60 days for the two breaches and a \$200 victim surcharge.

The Reasons

J.H. had received non-custodial sentences in the past, as well as two suspended sentences and one 14-day custodial sentence that he was allowed to serve intermittently. These sentences had not specifically deterred him from re-offending. Both a conditional sentence and an intermittent sentence would require the youth to comply with an order of the Court. In light of his history, it was unrealistic to expect that he would comply now. The next logical step in sentencing was a period in custody.