

**File No: 18535-1, 18510-1
Registry: Rossland**

In the Provincial Court of British Columbia

REGINA

v.

CYNTHIA WINIFRED BATEMAN

**REASONS FOR SENTENCE
OF
THE HONOURABLE JUDGE SPERRY**

COPY

Crown Counsel:	H.M. McSheffrey
Appearing on her own behalf:	Cynthia Bateman
Place of Hearing:	Rossland, B.C.
Date of Judgment:	November 8, 2007

[1] THE COURT: Stand please, Ms. Bateman.

[2] Ms. Bateman, on the impaired driving charge, the minimum penalty that I am permitted by the Parliament of Canada to impose is a fine of \$600, but I cannot make it any less. There will be a fine of \$600. I will give you a year's time to pay that fine.

[3] THE ACCUSED: I could have the money next week.

[4] THE COURT: Okay. You do not have to if you do not want to. If you pay next week that is good too.

[5] THE ACCUSED: As soon as I get it paid, the better I'll feel.

[6] THE COURT: All right. I have to also prohibit you from operating a motor vehicle on any street, highway or other public place in Canada for a period of a year from today's date. That is a prohibition under both the **Motor Vehicle Act** and the **Criminal Code of Canada**. If you drive between now and the 7th of November next year, you are in a lot of trouble. You understand that?

[7] THE ACCUSED: Yes, sir.

[8] THE COURT: Okay. Now with respect to the cause or permit animals to remain or continue to be in distress charge

that you pleaded guilty to, I do not think you set out to have your dogs in squalid condition or to have them unhealthy, but that is how they became. You should not have pets. I am going to suspend the passing of sentence, place you on probation for a year. The terms keep the peace and be of good behaviour.

[9] But I am going to make an order, separate stand alone order, that you not have any animals in your care or possession for 10 years from today's date. Yes, Mr. McSheffrey?

[10] MR. MCSHEFFREY: In respect of the -- the suspended sentence, I take it that's a -- you're suspending sentence under the authority of the **Offence Act**.

[11] THE COURT: That is under the **Offence Act**.

[12] MR. MCSHEFFREY: The maximum period -- there's two heads of recognizance, one is for three years and the other is for six months only.

[13] THE COURT: Ah, thank you. Six months. Thank you. The terms of that recognizance are simply to keep the peace and be of good behaviour. But I am making a stand alone order that for 10 years you not --

[14] THE ACCUSED: [Indiscernible/whispering].

[15] MR. McSHEFFREY: Yeah, yeah.

[16] THE COURT: -- possess or care --

[17] THE ACCUSED: [Indiscernible/whispering].

[18] MR. McSHEFFREY: Yeah, exactly.

[19] THE COURT: -- for any animals. Do you understand that?

[20] THE ACCUSED: Yes.

[21] THE COURT: Okay, so --

[22] MR. McSHEFFREY: Yes, I know.

[23] THE COURT: You do not have any now, do you?

[24] THE ACCUSED: No, I don't.

[25] THE COURT: No. You do not have a cat?

[26] THE ACCUSED: No cats, no dogs.

[27] THE COURT: Okay. Thank you. It will take a while to do the paperwork, Ms. Bateman. Thank you.

(REASONS CONCLUDED)