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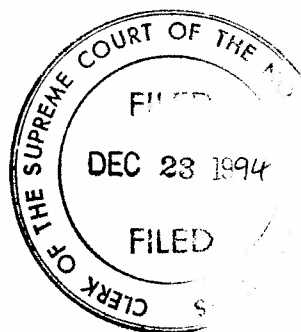
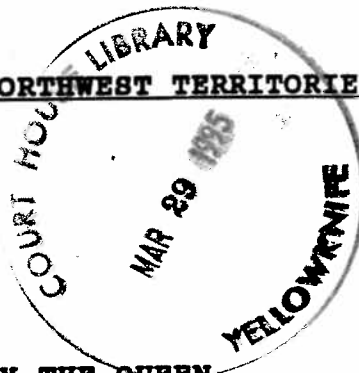
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

RONALD HECTOR MCKAY



Transcript of the Reasons for Sentence of the Honourable Mr. Justice J. E. Richard, sitting at Fort Resolution, in the Northwest Territories, on December 13, A. D. 1994.

APPEARANCES:

MS. B. SCHMALTZ

On behalf of the Crown

MR. G. MCLAREN

On behalf of the Defence

1 THE COURT: This afternoon it is once again my
2 unfortunate and unpleasant task to sentence a young
3 man to jail for a crime that he has committed in his
4 home community. I should say at the outset that the
5 sentencing process is the most difficult and most
6 unpleasant part of a judge's responsibility. I in no
7 way enjoy sentencing healthy young men like Ronald
8 McKay to jail, especially at this time of the year.
9 However, Ronald McKay has committed a serious crime of
10 violence - assault with a baseball bat - and with his
11 previous record of assaults that means that I must
12 send him to jail for the protection of the public and
13 the protection of this community in particular.

14 Mr. McKay strikes me as an articulate,
15 well-spoken, intelligent individual. His background
16 includes being in and out of court and in and out of
17 jail for violent behaviour in the past. He strikes me
18 as someone who should have known better than to become
19 involved in violence like this incident in order to
20 resolve a dispute, whether the dispute concerns
21 community politics or a slur on someone's family or
22 anything else. Mr. McKay, again, you should be
23 putting this kind of conduct behind you. He should be
24 putting his energies into bettering his life and the
25 life of his family and of his home community.

26 I accept Mr. McKay's assertion that he has a
27 problem with alcohol abuse and that that problem has

1 caused him many other problems such as the situation
2 that he finds himself in today facing a further period
3 of incarceration in a correctional facility away from
4 his family and away from his home community.

5 The letters that he has filed with the Court
6 through his counsel reflect positively on Mr. McKay's
7 attitude and behaviour in recent months while serving
8 remand time. I find that those observations of what
9 are independent or objective people, the correctional
10 workers, those observations are very much to Mr.
11 McKay's credit.

12 Mr. McKay probably knows and others in this
13 courtroom probably know, if they don't I am saying so
14 now, that a crime like this one committed by an
15 offender with a criminal record such as Mr. McKay has
16 would normally merit a prison term of one or two years
17 in jail; no question about that. Here, though, I must
18 and I do take into consideration the fact that Mr.
19 McKay has served four months already in pre-trial
20 custody. Also here I am going to take into
21 consideration in Mr. McKay's favour what I perceive to
22 be the positive attitude of Mr. McKay that has
23 contributed to this community and to helping others
24 generally. It is the Court's hope that Mr. McKay,
25 upon his release from his term of imprisonment, will
26 channel his energies and his obvious talents in a
27 positive way for the betterment of his community, and

1 that he will avoid becoming involved in incidents like
2 this fight with Louis Balsillie.

3 Mr. McKay, I ask you to stand now, please. Mr.
4 McKay, for the reasons I have mentioned I am compelled
5 by law to send you to jail for this particular
6 offence, it is only a question of how long, but you
7 have to pay the price for the crime of violence that
8 you committed. You went too far in using a baseball
9 bat to resolve this dispute while you and this other
10 man were drinking. I have decided that I am not going
11 to add to your term of imprisonment by ordering any
12 probation order to get alcohol treatment. I think
13 that you are bright enough to know that it is only you
14 that can make the real decision on those problems, not
15 a probation officer and not some court order. I am
16 just telling you that now so that you will know the
17 reason I am not putting that on any court order. I
18 think you are a person who has the smarts to know that
19 that is Ronald McKay's problem and he has to find the
20 solution to that.

21 I am going to sentence you to a further period of
22 incarceration of six months. I hope, Mr. McKay, that
23 while you are serving that term of imprisonment, that
24 part of it that is in a correctional facility, that
25 you will spend that time in a positive way. I can
26 tell from these letters that you are one of these
27 people who has the ability to help other inmates, and

1 you and I both know that most of those inmates,
2 whether in Hay River or Yellowknife, are younger than
3 you and you can influence them in a positive way. I
4 have this feeling about you, and I hope that you can
5 use that time positively, and that I do hope we won't
6 see you back in this court or Territorial court again.
7 Some people may think I have been too lenient with six
8 months, but I am hoping that is sufficient that we
9 won't see you back in court again.

10 In addition to the term of imprisonment, as I am
11 required by law to do so, I hereby order, pursuant to
12 Section 100 of the Criminal Code, that you are
13 prohibited from having in your possession any firearm,
14 ammunition or explosive substance for a period of time
15 commencing on this date and expiring ten years after
16 your release from your term of imprisonment. Any such
17 items in your possession at this time shall be
18 surrendered to a police officer or otherwise disposed
19 of within one month of this date. In the current
20 circumstances where you have been incarcerated for
21 these last months and will be for the next few months,
22 I decline to impose any victim fine surcharge. You may
23 sit down, sir.

24 (AT WHICH TIME THIS MATTER WAS CONCLUDED)

25
26 Certified Pursuant to Practice Direction #20
27 dated December 28, 1987.

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Loretta Mott

Loretta Mott
Court Reporter

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