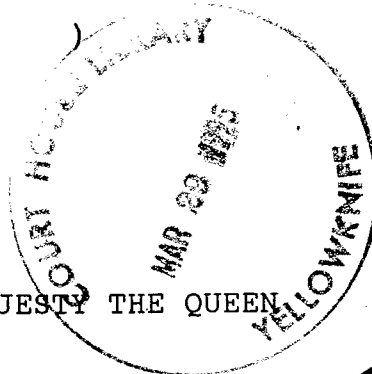


IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

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NORTHWEST TERRITORIES)

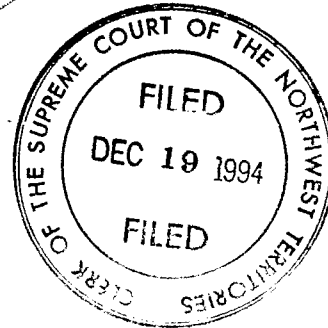
BETWEEN:



HER MAJESTY THE QUEEN

- and -

RUSSELL PAUL MANTLA



Sentencing held before the Honourable
J.E. Richard, Justice of the Supreme Court,
sitting at Lac La Martre in the Northwest
Territories, on Tuesday, December 6, 1994.

APPEARANCES:

U. Arvanetes, Ms., Counsel for the Crown.
J.D. Brydon, Esq., Counsel for the Accused.
C.E. Gingras, Ms., Court Reporter.

(Charged under Section 267(1)(a) of the Criminal Code)

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

HER MAJESTY THE QUEEN

- and -

RUSSELL PAUL MANTLA

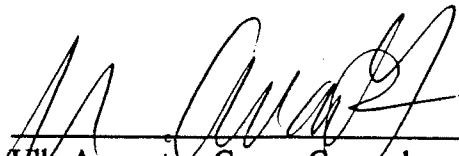
INDICTMENT

RUSSELL PAUL MANTLA stands charged that he:

Count #1: On or about the fourth day of February, 1994, at or near the Hamlet of Lac La Martre, in the Northwest Territories, did in committing an assault on Constable Paul Weldon THALHOFER use a weapon, to wit: a knife, contrary to Section 267(1)(a) of the Criminal Code.

Count #2: on or about the fourth day of February, 1994, at or near the Hamlet of Lac La Martre, in the Northwest Territories, did resist Constable Paul Weldon THALHOFER a Peace Officer to wit: a member of the Royal Canadian Mounted Police, engaged in the execution of his duty, contrary to Section 129(a) of the Criminal Code.

Dated this 29th day of November, 1994 at the City of Yellowknife in the Northwest Territories.



Ulla Arvanetes, Crown Counsel
and Agent for the Attorney General
of Canada

1 THE: COURT: I will now deal with the
2 matter of the sentencing of Russell Paul Mantla.
3 I want to say at the outset that sentencing is
4 the most difficult part of a judge's
5 responsibilities. Today, once again, it is my
6 unpleasant task to send a healthy young man out
7 of his home community to jail in order to
8 preserve the peace in the young man's home
9 community and in order to protect the members of
10 that community from him.

11 Russell Mantla has been convicted by the
12 members of this community of a serious crime of
13 assault. The evidence presented to the jury
14 indicated that Russell Mantla was extremely
15 intoxicated and was causing problems for his
16 friends. Twice during the early morning hours,
17 the community's police officer was called to deal
18 with Russell Mantla.

19 The first time, the offender's girlfriend,
20 Diane Lafferty, agreed to look after him, to get
21 him home so that he could sleep it off. After
22 Russell Mantla went home, he would not settle
23 down and he continued with his disruptive
24 behavior in his own home. He started throwing
25 things around in the kitchen. And when he got a
26 large knife and started hitting the wall with the
27 knife, then his girlfriend, Diane, decided to get

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1 the police again.

2 In these circumstances, Diane Lafferty did
3 the right thing by asking the police officer to
4 come to the house. Russell Mantla was extremely
5 intoxicated, he was quite agitated, and he was
6 using a dangerous weapon in an irresponsible
7 way. It may be that Diane Lafferty is today
8 upset to see that her boyfriend, Russell Mantla,
9 is going to jail, but she and Russell Mantla also
10 should reflect on the fact that by calling the
11 police, she may very well have saved him, Russell
12 Mantla, from harming himself more seriously or
13 harming her or one of the others in that house.

14 The jury by their verdict accepted the
15 constable's evidence that Russell Mantla, in his
16 drunken stupor and agitated state, rushed towards
17 the constable with the knife in his hand
18 threatening harm to the constable. It is also
19 extremely fortunate for everyone that the
20 circumstances were such that the constable did
21 not draw his service revolver in the heat of the
22 moment.

23 I do not enjoy sending a healthy young man
24 to jail, especially at this time of year;
25 however, in my view, this is one of those cases
26 where it is necessary. And although this is Mr.
27 Mantla's first offence, in my view, regrettably,

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1 it is necessary to take Russell Mantla out of
2 this community and to send him to jail because of
3 this serious crime that he has committed. The
4 community needs to be protected from him and he
5 needs time to reflect on his problem with alcohol
6 abuse and the type of life that he wants to lead
7 after he has served his sentence.

8 Also, Russell Mantla's sentence must be one
9 that will hopefully, that will hopefully, have
10 the effect of discouraging him and other young
11 men in the community from becoming so intoxicated
12 from alcohol consumption that they become a
13 danger to people in the community.

14 Please stand, Mr. Mantla.

15 Mr. Mantla, for the crime that you have
16 committed, assault with a weapon contrary to
17 Section 267(1)(a) of the Criminal Code, it is the
18 sentence of this court that you be imprisoned for
19 a period of seven months. And in addition, I
20 direct that for a period of 12 months following
21 the expiration of your sentence of imprisonment,
22 you shall comply with the following terms
23 prescribed in the Probation Order: You shall
24 keep the peace and be of good behavior. You
25 shall appear before this court when required to
26 do so. Upon your release, you shall report
27 immediately to the senior probation officer in

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1 the community that you are residing in and you
2 shall take part in any course or counselling for
3 persons with alcohol problems that is recommended
4 to you by your probation officer.

5 In the circumstances, I'm satisfied pursuant
6 to Section 100 of the Criminal Code that it is
7 not necessary to make a firearms prohibition
8 order in this case, and due to Mr. Mantla's
9 financial circumstances, I decline to impose any
10 victim fine surcharge.

11 You may sit down, Mr. Mantla.

12 Counsel, with respect to that one exhibit, I
13 take it you are in agreement that I should
14 probably order the exhibit destroyed at the
15 expiration of the appeal period?

16 MS. ARVANETES: Yes, Your Honour.

17 MR. BRYDON: I have no instructions.

18 THE: COURT: Fine. There will be an order
19 that Exhibit 2 will be destroyed at the
20 expiration of the appeal period.

21 Anything further in this case?

22 MS. ARVANETES: No, my Lord.

23 MR. BRYDON: No.

24 THE: COURT: We will close court.

25 (COURT CLOSED)
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27

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1 I, Cathy Gingras, Court Reporter, hereby
 2 certify that I attended the above-mentioned
 3 Sentencing and took faithful and accurate
 4 shorthand notes and the foregoing is a true and
 5 accurate transcript of my shorthand notes to the
 6 best of my skill and ability.

7 Dated at the City of Calgary, Province of
 8 Alberta this 10th day of December A.D. 1994.

9
 10 Cathy Gingras
 11 Cathy Gingras, C.S.R.(A)
 12 Court Reporter.

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