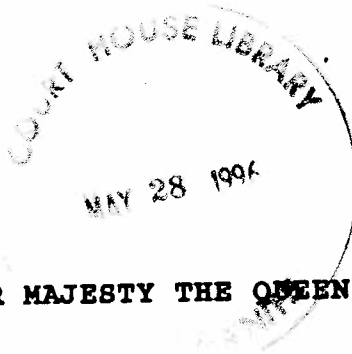


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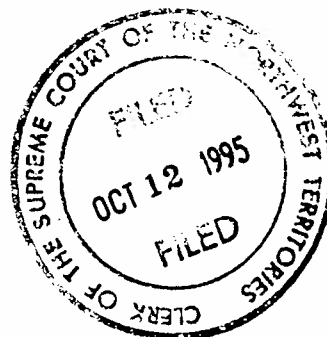
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:



HER MAJESTY THE QUEEN

- and -



TODD MICHAEL CATLING

Transcript of Reasons for Sentence before the Honourable
Mr. Justice J. E. Richard, sitting at Holman, in the
Northwest Territories, on July 25 and 26, A.D. 1995.

APPEARANCES:

MS. S. BOUR

On behalf of the Crown

MR. T. BOYD

On behalf of the Defence

1 THE COURT: This morning, it is the Court's
2 serious responsibility to pass sentence on two men
3 each of whom has committed a crime of sexual assault
4 in this community of Holman. The maximum punishment
5 for sexual assault is ten years imprisonment in a
6 federal penitentiary in southern Canada. There is no
7 minimum sentence for this crime. The Court, thus, is
8 given a wide discretion or a wide range within which
9 to choose the appropriate sentence in each case. In
10 doing so, the Court is required to keep in mind the
11 overall purpose of our criminal law system which is
12 the protection of the public and in particular, the
13 protection of the members of the community, especially
14 the protection of vulnerable women living in the
15 community.

16 Each of these men before the Court this morning
17 has committed a crime of violence against vulnerable
18 women. In each case, there was a serious interference
19 with the personal integrity of the victim. In the one
20 case, while the young woman was intoxicated from
21 excessive alcohol consumption; and the other case,
22 while the woman slept in her own bed in her own home.

23 In passing sentence, the Court must indicate the
24 community's denunciation or condemnation of this kind
25 of behaviour by men as being unacceptable to the
26 members of this community. Also, the Court's sentence
27 on behalf of the community and the general public

1 should be sufficiently harsh so as to act as a
2 deterrent against this kind of criminal conduct in the
3 future. The sentence that is imposed should hopefully
4 discourage these two offenders from ever again
5 conducting themselves in this manner towards women and
6 also serve to discourage or deter other men in the
7 community from this kind of behaviour towards women
8 lest they too receive a similar punishment.

9 When the Court passes sentence in each individual
10 case, the Court is, of course, obliged to look at the
11 particular circumstances and facts of each case and
12 the personal background and characteristics of the
13 offender himself because no two crimes of sexual
14 assault are identical and no two offenders are ever
15 exactly alike.

16 In the case of Todd Catling, we have a 32-year-old
17 man from Alberta who was temporarily in this community
18 in July of 1992 to work on a construction project. I
19 understand that he is single with no dependents. He
20 has a high school education plus a four-year
21 certificate as a journeyman welder. He maintained
22 steady and well-paying employment in the years prior
23 to his offence and afterwards. He has worked in
24 numerous small communities in the Northwest
25 Territories over the years on a temporary basis on
26 construction projects and did not cause or encounter
27 any problems with the people in those communities

1 until the incident which brings him before the Court
2 today. Mr. Catling has no criminal record of any
3 consequence.

4 On the date in question in July 1992, he was
5 entertaining three young women from the community in
6 his room at the Arctic Char Inn in the wee hours of
7 the morning. All four persons were drinking alcohol
8 supplied by Mr. Catling. All became intoxicated to
9 one degree or another.

10 The victim, a 16-year-old girl, became quite
11 intoxicated and was also vomiting from excessive
12 alcohol consumption. The two older women
13 unfortunately left her alone with Mr. Catling in his
14 room when they left to get more booze after Mr.
15 Catling's supply of booze had run out. The other two
16 women intended to return to the hotel room in a short
17 while, but they did not.

18 After they left, Mr. Catling took advantage of the
19 vulnerable state of his young victim for his own
20 sexual gratification. He forced himself on her
21 sexually, and she was unable to resist him physically
22 due to her condition, although she did tell him to
23 stop.

24 Mr. Catling did not stop but instead, he proceeded
25 to have sexual intercourse with her without her
26 consent. This was indeed a predatory act upon a
27 helpless victim. In conducting himself as he did, Mr.

1 Catling displayed a contemptuous disregard for this
2 girl's personal feelings and her integrity as a human
3 being. It is precisely this kind of conduct that has
4 given transient construction workers such a terrible
5 reputation in our northern communities over the years.
6 More particularly, it is serious criminal behaviour
7 deserving a substantial term of imprisonment.

8 **AT THIS TIME ANOTHER MATTER WAS SPOKEN TO**

9 THE COURT:

Mr. Catling, I would ask you to stand

10 now, Sir. Todd Michael Catling, for the crime that
11 you have committed, a sexual assault on Donna Goose on
12 July 29th, 1992, it is the sentence of this Court that
13 you serve a term of imprisonment of three years in a
14 federal penitentiary.

15 In addition, as I am required by law to do so, I
16 hereby order pursuant to Section 100 of the Criminal
17 Code of Canada that you are prohibited from having in
18 your possession any firearm or ammunition or explosive
19 substance for a period of time commencing on today's
20 date and expiring on a date ten years after your
21 release from your term of imprisonment. Any such item
22 in your possession at this time shall be surrendered
23 to a police officer or otherwise disposed of within
24 one month of today's date.

25 In the circumstances, there will be no victim fine
26 surcharge. Please take your seat.

27 **AT THIS TIME ANOTHER MATTER WAS SPOKEN TO**

1 THE COURT: Mr. Boyd.

2 MR. BOYD: My Lord, the defence requests that the
3 warrant for committal in respect to Mr. Catling
4 recommend imprisonment at the Bowden institute in
5 Alberta. The reason for the request is that I
6 understand that his trade skill could be employed
7 there in that facility and also as he's near the end
8 of his term of imprisonment, he would have a better
9 chance of making contact with former and prospective
10 employers getting back into the work force and
11 completing his rehabilitative process.

12 THE COURT: Submissions from the Crown at this
13 point?

14 MS. BOUR: Crown takes no position with respect
15 to Mr. Boyd's request.

16 THE COURT: Fine then. The clerk will endorse the
17 warrant for committal with the Court's recommendation
18 that Mr. Catling be permitted to serve his
19 imprisonment at the Bowden institute in Alberta.
20 Counsel, is there anything further on either of these
21 cases?

22 MR. FOLDATS: No, My Lord.

23 MR. BOYD: No, Sir.

24 MS. BOUR: No, My Lord.

25 THE COURT: Thank you. Then we will close court.

26 THE CLERK: All rise. This sitting of the Supreme
27 Court is now closed.

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AT WHICH TIME THIS SENTENCING HEARING CONCLUDED

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

Tara McCrae
Tara McCrae, CSR(A)
Court Reporter